

DOMESTIC NUCLEAR DETECTION OFFICE

Description:

The Domestic Nuclear Detection Office (DNDO) leads the development of the Global Nuclear Detection Architecture (GNDA), implements its domestic portion, and leads the integration of United States Government (USG) technical nuclear forensics capabilities.

Responsibilities:

DNDO is the USG lead agency charged with developing the GNDA and implementing its domestic portion, as well as coordinating and stewarding the USG National Technical Nuclear Forensics (NTNF) enterprise. DNDO works closely with Federal, State, local, tribal, territorial, international, academic, national laboratory, and private sector partners.

Functions include developing and acquiring radiological and nuclear (R/N) detection technologies in collaboration with interagency partners, evaluating detector performance, ensuring effective response to detection alarms, training and helping partners plan their GNDA contributions, integrating and ensuring readiness of U.S. nuclear forensics capabilities, conducting transformational research and development for R/N detection and forensics technologies, and reporting progress to external stakeholders. For both the detection and forensics missions, the likelihood of success is maximized by using and employing appropriate technologies, well-trained law enforcement, and intelligence capabilities.

Service to the Public:

DNDO works to protect the United States from R/N terrorism by developing, acquiring, and deploying detection technologies, supporting operational law enforcement and homeland security partners; integrating technical nuclear forensic programs; and advancing state-of-the-art nuclear forensics technologies. To address gaps in the GNDA and dramatically improve the performance of R/N detection and technical nuclear forensics technologies, DNDO also invests in basic, applied, and developmental research to identify, explore, develop, and demonstrate innovative technologies. To foster and maintain expertise in specialized technical fields related to nuclear detection and forensics, DNDO supports academic programs, scholarships, and fellowships to advance research and encourage students to enter these fields of study. DNDO seeks to increase effectiveness of deployed technology through improved operational concepts, and DNDO works with mission partners to ensure that R/N detection capabilities provide the greatest level of protection possible through multiple layers of defense.

At a Glance

Senior Leadership:

*Dr. L. Wayne Brasure, Acting Director
Paul Ryan, Acting Deputy Director*

Established: 2005

*Major Divisions: Architecture and Plans
Directorate, Transformational and Applied
Research Directorate, Product Acquisition and
Deployment Directorate, Assessments
Directorate, Operations Support Directorate,
National Technical Nuclear Forensics Center*

Budget Request: ***\$330,440,000***

Employees (FTE): ***144***

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FY 2016 Accomplishments:

- Led the formation of a Joint Requirements Council R/N Subcommittee to facilitate interaction with DHS operational partners and validate requirements, ensuring that each dollar spent on R/N detection equipment is linked to threats and conditions in the field.
- Completed an assessment of R/N detection capabilities for maritime non-containerized cargo to determine the technical requirements in this challenging and important pathway.
- Fostered nuclear forensics expertise throughout the United States, supporting over 50 undergraduate, graduate, post-doctorate, and faculty fellowships, internships, or awards, as well as senior scientist/student mentoring, with 9 Ph.D.'s hired into the nuclear forensics workforce at the national laboratories or U.S. Federal agencies.
- Demonstrated a new spectroscopic plastic detector technology that enables higher sensitivity and better selectivity for isotope identification. These advances could lead to much less expensive R/N detection equipment, allowing wider distribution of detectors at lower cost in the future.
- Completed development of a first-of-a-kind laboratory-scale processing capability to simulate non-U.S. production of plutonium materials for forensic signature development to better enable attribution.
- Enhanced homeland security by assisting international partners in developing their nuclear detection and forensics frameworks through work with the International Atomic Energy Agency, Global Initiative to Combat Nuclear Terrorism, and 2016 Nuclear Security Summit.
- Advanced the Securing the Cities initiative in Houston, Texas; Chicago, Illinois; and the National Capital Region, which, when fully implemented, will provide R/N detection coverage for approximately 42 percent of the Nation's critical infrastructure and over 30 percent of the U.S. population.
- Equipped DHS operational partners to execute R/N detection at and within our borders through the acquisition of portable detection equipment, including over 4,500 personal radiation detectors, and more than 1,800 basic handheld radiation identification devices.
- Executed a public-private partnership with Los Angeles' TraPac Container Terminal for automated Radiation Portal Monitors integrated with conveyors, to increase capacity for scanning cargo containers, enabling TraPac to handle larger ships and remain competitive.
- Facilitated a joint product development effort among DNDO, the DHS Science and Technology Directorate, U.S. Customs and Border Protection, and the United Kingdom Home Office to pilot an integrated, multi-threat, automated detection and identification cargo scanning platform at the Conley Container Terminal in Boston, leveraging



DNDO's Radiation Awareness and Interdiction Network Advanced Technology Demonstration – Monitoring Vehicles at Full Speed for Radiological Threats

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expertise and resources in order to enhance cargo security against a broad array of threats.

BUDGET REQUEST*Dollars in Thousands*

	FY 2016 Revised Enacted		FY 2017 Annualized CR		FY 2018 President's Budget		FY 2017 +/- FY 2018	
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Operations and Support	137	\$51,461	137	\$50,095	144	\$54,664	7	\$4,569
Procurement, Construction and Improvements	-	\$88,289	-	\$87,096	-	\$87,096	-	-
Research and Development	-	\$160,005	-	\$158,173	-	\$144,161	-	(\$14,012)
Federal Assistance	-	\$47,281	-	\$46,695	-	\$44,519	-	(\$2,176)
Net Discretionary	137	\$347,036	137	\$342,059	144	\$330,440	7	(\$11,619)
Gross Discretionary	137	\$347,036	137	\$342,059	144	\$330,440	7	(\$11,619)
Total Budget Authority	137	\$347,036	137	\$342,059	144	\$330,440	7	(\$11,619)

FY 2018 Highlights:

- **R/N Detection Equipment.....\$87.1M, 0 FTE**

The total request level for R/N detection equipment programs is consistent with the FY 2017 Annualized CR level. It provides \$62.5 million for large scale detection systems, including funding for the Radiation Portal Monitor (RPM) Replacement Program to ensure sustainment of the capability to scan virtually all containerized cargo entering the Nation. The request also includes \$24.6 million for the requirements for human portable equipment of DHS operational Components.

- **Securing the Cities.....\$21.1M, 0 FTE**

Includes \$21.1 million for the Securing the Cities program, which seeks to reduce the risk of a successful deployment of a R/N terrorist weapon against major metropolitan regions in the United States. FY 2018 funding is consistent with the Annualized CR.

DHS Resource Table

Department of Homeland Security Total Budget Authority											
	FY 2016 Revised Enacted			FY 2017 Annualized CR			FY 2018 President's Budget				
	Pos.	FTE	\$\$\$	Pos.	FTE	\$\$\$	Pos.	FTE	\$\$\$		
Office of the Secretary and Executive Management											
Operations and Support	613	609	145,332	631	585	133,474	609	609	130,307	567	130,307
Office of the Secretary	613	609	145,332	631	585	133,474	609	609	130,307	567	130,307
Office of Policy	67	67	18,697	70	69	18,525	68	68	18,043	68	18,043
Office of Public Affairs	186	186	38,777	186	175	37,839	181	169	36,837	169	36,837
Office of Legislative Affairs	23	23	5,147	27	25	5,293	26	24	5,143	24	5,143
Office of Partnership and Engagement	26	26	5,243	28	26	5,193	28	26	5,056	26	5,056
Office of General Counsel	52	48	20,946	54	47	12,833	48	48	12,603	45	12,603
Office of Civil Rights and Civil Liberties	94	94	20,017	91	81	18,822	89	79	18,501	79	18,501
Office of the Citizenship and Immigration Services Ombudsman	94	94	21,680	102	96	21,158	99	93	20,679	93	20,679
Privacy Office	29	29	6,622	30	27	6,098	29	26	5,944	26	5,944
	40	40	8,209	43	36	7,713	42	38	7,501	38	7,501
Net Discretionary	613	609	145,332	631	585	133,474	609	609	130,307	567	130,307
Adjusted Net Discretionary	613	609	145,332	631	585	133,474	609	609	130,307	567	130,307
Office of the Under Secretary for Management											
Operations and Support	1,457	1,432	937,081	1,814	1,814	962,133	2,070	2,015	768,664	2,015	768,664
Immediate Office of the Under Secretary of Management	1,457	1,432	937,081	1,814	1,814	962,133	2,070	2,015	768,664	2,015	768,664
Office of the Chief Readiness Support Officer	17	17	3,732	17	17	3,291	31	24	6,867	24	6,867
Office of the Chief Human Capital Officer	103	103	124,518	103	103	119,585	123	129	70,900	129	70,900
Office of the Chief Security Officer	137	137	29,652	208	208	39,635	293	270	56,852	270	56,852
Office of the Chief Procurement Officer	257	257	68,991	257	257	67,246	313	298	74,963	298	74,963
Office of the Chief Financial Officer	308	308	60,369	558	558	96,000	534	533	102,615	533	102,615
Office of the Chief Information Officer	230	228	56,394	270	270	60,142	279	275	66,369	275	66,369
	398	382	394,192	401	401	376,619	495	495	317,565	495	317,565
Procurement, Construction, and Improvements	-	-	196,733	-	-	197,120	-	-	69,988	-	69,988
Construction and Facility Improvements	-	-	125,801	-	-	125,562	-	-	69,988	-	69,988
Mission Support Assets and Infrastructure	-	-	70,932	-	-	71,558	-	-	69,988	-	69,988
Research and Development	-	-	2,500	-	-	2,495	-	-	2,545	-	2,545
Net Discretionary	1,457	1,432	937,081	1,814	1,814	962,133	2,070	2,015	768,664	2,015	768,664
Adjusted Net Discretionary	1,457	1,432	937,081	1,814	1,814	962,133	2,070	2,015	768,664	2,015	768,664
Analysis and Operations											
Operations and Support	845	818	260,224	845	818	254,303	885	837	252,405	837	252,405
	845	818	260,224	845	818	254,303	885	837	252,405	837	252,405
Net Discretionary	845	818	260,224	845	818	254,303	885	837	252,405	837	252,405
Adjusted Net Discretionary	845	818	260,224	845	818	254,303	885	837	252,405	837	252,405
Office of Inspector General											
Operations and Support	867	796	161,467	867	796	137,151	720	720	133,974	720	133,974
	867	796	161,467	867	796	137,151	720	720	133,974	720	133,974
Transfer from FEMA-DRF	-	-	-	-	-	-	-	-	-	-	-
Net Discretionary	867	796	161,467	867	796	137,151	720	720	133,974	720	133,974
Adjusted Net Discretionary	867	796	161,467	867	796	137,151	720	720	133,974	720	133,974

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Department of Homeland Security Total Budget Authority										
	FY 2016 Revised Enacted			FY 2017 Annualized CR			FY 2018 President's Budget			
	Pos.	FTE	\$\$\$	Pos.	FTE	\$\$\$	Pos.	FTE	\$\$\$	
U.S. Customs and Border Protection	63,230	58,077	13,295,208	63,230	58,077	13,474,495	64,463	59,726	16,387,729	
Operations and Border Protection	51,947	47,394	10,651,944	51,158	46,605	10,635,799	51,189	46,460	11,592,341	
Mission Support	4,853	4,043	1,513,371	4,853	4,043	1,482,978	5,485	4,910	1,767,185	
Enterprise Services	3,549	2,931	1,276,624	3,549	2,931	1,277,717	4,071	3,555	1,460,254	
Office of Professional Responsibility	639	543	152,248	639	543	159,049	695	609	204,679	
Executive Leadership and Oversight	665	569	84,507	665	569	86,212	713	605	102,252	
Border Security Operations	23,207	21,265	4,197,111	23,207	21,265	4,184,944	23,645	21,232	4,536,101	
US Border Patrol	23,057	21,122	4,142,174	23,057	21,122	4,136,016	23,416	21,005	4,458,589	
Operations	23,057	21,122	3,636,456	23,057	21,122	3,630,136	23,416	21,005	3,787,694	
Assets and Support	150	143	505,718	150	143	505,880	229	227	670,895	
Office of Training and Development	150	143	54,937	150	143	48,928	229	227	77,512	
Trade and Travel Operations	21,202	19,763	3,935,179	20,413	18,974	3,981,498	19,084	17,719	4,210,817	
Office of Field Operations	20,150	18,763	3,683,077	19,361	17,974	3,731,693	17,875	16,568	3,900,330	
Domestic Operations	18,441	17,481	2,595,836	17,652	16,692	2,662,723	16,071	15,051	2,481,171	
International Operations	940	630	157,383	940	630	157,094	940	652	142,272	
Targeting Operations	769	652	101,609	769	652	89,775	862	862	236,572	
Assets and Support	865	820	828,255	865	820	822,101	1,003	954	840,315	
Office of Trade	187	180	213,844	187	180	211,846	200	200	263,301	
Office of Training and Development	2,685	2,323	1,006,283	2,685	2,323	986,379	2,975	2,590	1,078,238	
Integrated Operations	1,753	1,608	839,676	1,753	1,608	820,156	1,898	1,748	877,365	
Air and Marine Operations	1,563	1,448	290,519	1,563	1,448	291,882	1,633	1,516	311,136	
Operations	190	160	527,304	190	160	506,436	245	232	520,046	
Assets and Support	169	169	21,853	169	169	21,838	169	169	46,183	
Air and Marine Operations Center	279	180	34,191	279	180	32,529	391	268	39,784	
Office of International Affairs	279	180	67,013	279	180	62,314	391	268	50,984	
Office of Intelligence	484	366	65,403	484	366	57,544	510	415	6,534	
Operations Support	484	366	65,403	484	366	65,029	510	415	103,571	
Procurement, Construction, and Improvements										
Mission Support Assets and Infrastructure			362,744			354,936			2,063,719	
Border Security Assets and Infrastructure			30,000			29,947			26,433	
Trade and Travel Assets and Infrastructure			76,421			61,857			1,715,163	
Integrated Operations Assets and Infrastructure			116,553			116,345			109,240	
Airframes and Sensors			69,906			80,300			153,108	
Watercraft			69,906			80,300			137,333	
Other Systems and Assets			7,000			6,733			3,573	
Operational Communications/Information Technology			62,876			59,754			12,200	
Construction and Facility Improvements									59,775	
Immigration Inspection User Fee	4,190	4,190	692,686	4,371	4,371	708,921	4,179	4,179	732,834	
Immigration Enforcement Fines			818			832			1,000	
Electronic System for Travel Authorization (ESTA) Fee	62	62	58,705	94	94	60,081	1,193	1,193	219,480	
Land Border Inspection Fee	200	200	46,248	202	202	46,894	202	202	48,476	
COBRA Customs Fees	1,575	1,575	528,589	2,538	2,538	543,666	2,538	2,538	562,151	
COBRA FTA	1,569	1,569	234,810	1,010	1,010	242,538	1,287	1,287	265,000	
Agricultural Quarantine and Inspection Fees	3,006	3,006	449,857	3,082	3,082	534,515	3,061	3,061	534,515	

Department of Homeland Security Total Budget Authority											
	FY 2016 Revised Enacted			FY 2017 Annualized CR			FY 2018 President's Budget				
	Pos.	FTE	\$\$\$	Pos.	FTE	\$\$\$	Pos.	FTE	\$\$\$	FTE	\$\$\$
Global Entry Fee	254	254	150,967	416	416	154,410	416	416	159,000	416	159,000
Puerto Rico Trust Fund	292	292	91,346	215	215	92,500	215	215	92,500	215	92,500
Virgin Islands Deposit Fund	61	61	11,867	63	63	11,394	63	63	11,170	63	11,170
User Fee Facilities	69	69	8,644	76	76	9,397	80	80	9,001	80	9,001
Customs Unclaimed Goods	-	-	5,992	-	-	-	-	-	5,992	-	5,992
9-11 Response and Biometric Exit Account	-	-	-	-	-	-	-	-	71,620	35	90,550
	1,638	1,638	243,454	1,086	1,086	251,935	1,367	1,367	274,001	1,367	274,001
Discretionary - Fee	254	254	150,967	416	416	154,410	416	416	159,000	416	159,000
Net Discretionary	53,585	49,032	11,258,142	52,244	47,691	11,242,670	52,556	47,827	13,930,061	47,827	13,930,061
Adjusted Net Discretionary	53,585	49,032	11,258,142	52,244	47,691	11,242,670	52,556	47,827	13,930,061	47,827	13,930,061
Gross Discretionary	53,839	49,286	11,409,109	52,660	48,107	11,397,080	52,972	48,243	14,089,061	48,243	14,089,061
Adjusted Gross Discretionary	53,839	49,286	11,409,109	52,660	48,107	11,397,080	52,972	48,243	14,089,061	48,243	14,089,061
Mandatory - Fee	9,301	9,391	1,886,099	10,570	10,570	2,077,415	11,491	11,483	2,298,668	11,483	2,298,668
Adjusted Mandatory - Fee	9,301	9,391	1,886,099	10,570	10,570	2,077,415	11,491	11,483	2,298,668	11,483	2,298,668
U.S. Immigration and Customs Enforcement	20,960	19,908	6,177,578	20,960	19,987	6,139,917	22,573	20,967	7,942,072	20,967	7,942,072
Operations and Support	20,570	19,592	5,776,579	20,570	19,671	5,765,018	22,176	20,591	7,512,563	20,591	7,512,563
Mission Support	1,554	1,459	330,975	1,554	1,467	339,111	1,687	1,534	350,391	1,534	350,391
Office of the Principal Legal Adviser	1,549	1,471	236,294	1,549	1,491	239,310	1,744	1,703	282,485	1,703	282,485
Homeland Security Investigations	8,782	8,667	1,947,068	8,782	8,726	1,976,461	8,974	8,822	2,018,873	8,822	2,018,873
Domestic Investigations	8,064	7,981	1,744,326	8,064	8,020	1,763,436	8,256	8,116	1,798,095	8,116	1,798,095
International Operations	301	296	122,971	301	296	133,452	301	294	140,873	294	140,873
Intelligence	417	398	79,768	417	410	79,573	417	410	79,903	410	79,903
Enforcement and Removal Operations	8,685	7,995	3,262,242	8,685	7,987	3,210,136	9,771	8,532	4,860,814	8,532	4,860,814
Custody Operations	5,746	5,271	2,167,544	5,746	5,303	2,311,131	5,903	5,385	3,601,472	5,385	3,601,472
Fugitive Operations	895	808	155,072	895	824	156,191	1,103	931	184,608	931	184,608
Criminal Alien Program	1,673	1,608	316,177	1,673	1,531	316,405	2,282	1,836	412,000	1,836	412,000
Alternatives to Detention	296	251	114,275	296	251	113,998	337	272	177,700	272	177,700
Transportation and Removal Program	81	62	309,174	81	73	312,411	146	106	484,894	106	484,894
Procurement, Construction and Improvements	-	-	53,000	-	-	52,899	-	-	52,899	-	52,899
Mission Support Assets and Infrastructure	-	-	9,000	-	-	27,899	-	-	31,060	-	31,060
Operational Communications/Information Technology	-	-	44,000	-	-	25,000	-	-	21,839	-	21,839
Construction and Facility Improvements	-	-	-	-	-	-	-	-	-	-	-
Immigration Inspection User Fees	-	-	145,510	-	-	145,510	-	-	135,000	-	135,000
Breached Bond Detention Fund	-	-	57,167	-	-	42,000	-	-	55,000	-	55,000
Student and Exchange Visitor Program	390	316	145,322	390	316	145,000	397	376	186,610	376	186,610
Net Discretionary	20,570	19,592	5,829,579	20,570	19,671	5,812,917	22,176	20,591	7,565,462	20,591	7,565,462
Adjusted Net Discretionary	20,570	19,592	5,829,579	20,570	19,671	5,812,917	22,176	20,591	7,565,462	20,591	7,565,462
Mandatory - Fee	390	316	347,998	390	316	322,000	397	376	376,610	376	376,610
Adjusted Mandatory - Fee	390	316	347,998	390	316	322,000	397	376	376,610	376	376,610

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Department of Homeland Security Total Budget Authority									
	FY 2016 Revised Enacted			FY 2017 Annualized CR			FY 2018 President's Budget		
	Pos.	FTE	\$\$\$	Pos.	FTE	\$\$\$	Pos.	FTE	\$\$\$
Transportation Security Administration									
Operations and Support	55,415	51,833	7,543,364	55,415	51,833	7,425,805	55,460	52,956	7,582,228
Mission Support	55,227	51,656	7,076,105	55,227	51,132	6,971,471	55,460	52,956	7,258,724
Aviation Screening Operations	1,914	1,737	918,981	1,914	1,737	919,534	1,911	1,737	869,258
Screening Workforce	49,988	46,797	4,466,066	49,988	46,273	4,456,247	50,507	48,436	4,822,911
Screening Partnerships Program	46,266	43,224	3,395,057	46,266	42,700	3,377,149	45,377	43,474	3,536,705
Screening Personnel Compensation and Benefit			169,983			165,793	10	10	175,580
Screening Training and Other	46,086	43,049	2,999,659	46,086	42,525	2,973,827	45,087	43,190	3,128,064
Airport Management	180	175	225,415	180	175	237,529	280	274	233,061
Cannines	2,901	2,790	568,615	2,901	2,790	570,267	3,902	3,777	643,797
Screening Technology Maintenance	509	493	118,809	509	493	121,327	698	698	151,764
Secure Flight	312	290	284,284	312	290	282,353	183	162	387,882
Other Operations and Enforcement	3,325	3,122	1,691,058	3,325	3,122	1,695,690	3,475	3,25	1,627,763
Intelligence and Security	38	36	825,834	38	36	824,828	38	36	823,419
Federal Air Marshals			805,076			804,175			803,905
Federal Flight Deck Officer and Crew Training	38	36	20,758	38	36	20,653	38	36	19,514
Aviation Regulation	1,081	1,033	215,636	1,081	1,033	215,148	1,085	1,032	173,535
Air Cargo	640	615	90,945	640	615	93,519	640	611	102,721
Intelligence and TSOC	425	383	77,986	425	383	77,798	425	404	79,790
Surface Programs	813	761	110,798	813	761	110,702	520	477	86,316
Vetting Programs	333	292	369,859	333	292	273,695	330	315	300,774
Vetting Operations	133	122	74,542	133	122	74,542	133	122	60,215
TWIC Fee	45	42	67,788	45	42	82,267	46	45	64,449
Hazardous Materials Endorsement Fee	35	34	18,907	35	34	21,083	38	37	20,200
General Aviation at DCA Fee	5	5	501	5	5	408	5	5	561
Commercial Aviation and Airports Fee			11,689			6,500			8,000
Other Security Threat Assessments Fee	11	11	4,711	11	11	50	11	11	50
Air Cargo/Certified Cargo Screening Program Fee	82	54	186,444	82	54	80,153	82	80	136,900
TSA Procheck Fee	24	24	4,880	24	24	5,200	15	15	3,200
Allen Flight School Fee									
Procurement, Construction, and Improvements									
Aviation Screening Infrastructure	188	177	462,259	188	177	449,344			303,314
Checkpoint Support	183	172	442,095	183	172	434,245			287,023
Checked Baggage	60	57	114,699	60	57	106,981			4,019
Aviation Security Capital Fund (mandatory)	123	115	77,596	123	115	77,264			33,004
Air Cargo			250,000			250,000			250,000
Surface Programs			11,030			11,008			
Vetting Programs			9,134			4,091			16,291
Mission Support Assets and Infrastructure									
Mission Support Assets and Infrastructure End Items									
Research and Development									
Discretionary - Fee	176	146	290,040	176	146	193,953	182	178	235,359
Discretionary - Offsetting Fee			2,130,000			2,130,000			2,916,000
Net Discretionary	55,215	51,663	4,868,444	55,215	51,139	4,846,652	55,263	52,763	4,175,669
Adjusted Net Discretionary	55,215	51,663	4,868,444	55,215	51,139	4,846,652	55,263	52,763	4,175,669
Gross Discretionary	55,391	51,809	7,288,484	55,391	51,288	7,170,605	55,445	52,941	7,327,028
Adjusted Gross Discretionary	55,391	51,809	7,288,484	55,391	51,288	7,170,605	55,445	52,941	7,327,028
Mandatory - Appropriation			250,000			250,000			250,000
Adjusted Net Mandatory Appropriation			250,000			250,000			250,000
Mandatory - Fee	24	24	4,880	24	24	5,200	15	15	3,200
Adjusted Mandatory - Fee	24	24	4,880	24	24	5,200	15	15	3,200

Department of Homeland Security Total Budget Authority									
	FY 2016 Revised Enacted			FY 2017 Annualized CR			FY 2018 President's Budget		
	Pos.	FTE	\$\$\$	Pos.	FTE	\$\$\$	Pos.	FTE	\$\$\$
U.S. Coast Guard									
Operating Expenses	49,569	46,555	10,893,631	49,569	47,927	10,940,660	50,147	48,550	10,673,010
Military Pay and Allowances	48,104	45,263	6,827,776	48,104	46,563	6,879,692	48,677	47,181	7,213,464
Civilian Pay and Benefits	40,223	38,327	3,418,483	40,223	39,627	3,488,617	40,593	40,060	3,711,095
Training and Recruiting	7,881	6,936	792,229	7,881	6,936	792,229	8,084	7,121	851,178
Operating Funds and Unit Level Maintenance			195,718			204,541			190,668
Centrally Managed Accounts			1,013,897			1,017,954			895,518
Intermediate and Depot Level Maintenance			353,821			329,906			142,788
Overseas Contingency Operations (OCO) Global War on Terrorism			1,053,628			1,046,445			1,422,217
Environmental Compliance and Restoration									
Reserve Training	25	20	13,221	25	23	13,196	25	23	13,397
Acquisition, Construction, and Improvements	416	409	110,999	416	409	109,890	416	409	114,875
Vessels	914	766	1,928,393	914	835	1,924,127	914	835	1,203,745
Survey and Design - Vessels and Boats			15,000			15,000			1,500
In-Service Vessel Sustainment			68,000			68,000			60,509
National Security Cutter			688,430			723,551			54,000
Offshore Patrol Cutter			219,000			89,000			500,000
Fast Response Cutter			340,000			340,000			240,000
Cutter Boats			3,000			3,000			1,000
Polar Icebreaker			6,000			6,000			19,000
Inland Waterways and Western Rivers Tender			255,960			295,000			1,100
Aircraft			3,000			3,000			52,000
HC-144 Conversion Sustainment			102,000			102,000			5,600
HC-271 Conversion Sustainment			145,000			150,000			22,000
HC-130J Acquisition/Conversion/Sustainment			5,960			40,000			2,500
HH-65 Conversion/Sustainment									500
MH-60T Sustainment									50,800
Small Unmanned Aircraft Systems			57,855			65,100			4,000
Other Acquisition Programs			17,220			20,000			15,000
Other Equipment and Systems			32,977			36,690			22,000
Program Oversight and Management			7,658			8,500			9,899
C4ISR			192,800			202,600			75,000
Coast Guard Logistics Information Management System			135,800			145,600			10,000
Shore Facilities and Aids to Navigation (ATON)			52,000			52,000			60,000
Major Shore, Housing, ATON, Survey and Design			5,000			5,000			5,000
Major Acquisition Systems Infrastructure			112,348			116,576			118,245
Minor Shore			18,019			17,986			18,641
Personnel and Related Support Costs	914	766	168,847	914	835	175,506	914	835	195,784
Research, Development, Test, and Evaluation	96	83	1,604,000	96	83	1,604,000	96	83	1,690,824
Medicare-Eligible Retiree Health Care Fund Contribution			114,326			113,049			118,416
Retired Pay			107,329			101,000			101,000
Boat Safety			1,621			2,214			2,864
Maritime Oil Spill Program			1,621			2,214			2,864
Funds									
General Gift Fund									
Yard Fund									
Supply Fund									
Reversion of Prior Year Unobligated Balances (Discretionary - Appropriation)									
Net Discretionary	49,555	46,541	9,066,355	49,555	47,913	9,120,397	50,128	48,531	8,759,906
Adjusted Net Discretionary	49,555	46,541	9,066,355	49,555	47,913	9,120,397	50,128	48,531	8,747,560
Mandatory - Appropriation	14	14	1,827,276	14	14	1,820,263	14	14	1,913,104
Adjusted Net Mandatory Appropriation	14	14	1,827,276	14	14	1,820,263	14	14	1,913,104
[Overseas Contingency Operations]			[160,002]			[160,002]			[160,002]
[Trust Funds]			[45,000]			[45,000]			[45,000]

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Department of Homeland Security Total Budget Authority											
	FY 2016 Revised Enacted			FY 2017 Annualized CR			FY 2018 President's Budget				
	Pos.	FTE	\$\$\$	Pos.	FTE	\$\$\$	Pos.	FTE	\$\$\$		
U.S. Secret Service	6,714	6,481	2,191,808	6,714	6,481	2,190,481	6,934	7,150	2,208,626		
Operations and Support	6,714	6,481	1,854,976	6,714	6,481	1,853,785	6,934	7,150	1,879,346		
Mission Support	696	686	369,686	696	686	371,563	737	768	414,558		
Protective Operations	3,153	3,009	876,285	3,153	3,009	874,877	3,216	3,312	804,475		
Protection of Persons and Facilities	2,886	2,738	618,730	2,886	2,738	632,089	2,880	2,973	705,566		
Protective Countermasures	67	67	55,006	67	67	54,895	118	118	46,862		
Presidential Campaigns and National Special Security Events	206	204	42,968	206	204	42,895	218	218	47,547		
Field Operations	2,661	2,582	159,586	2,661	2,582	144,998	2,849	2,849	4,500		
Domestic and International Field Operations	2,646	2,567	549,296	2,646	2,567	547,750	2,841	2,762	596,235		
Support for Missing and Exploited Children Investigations	8	8	528,946	8	8	527,440	8	8	588,633		
Support for Computer Forensics Training	204	204	12,784	204	204	12,760	219	219	7,582		
Basic and In-Service Training and Professional Development	11,000	11,000	59,709	11,000	11,000	59,595	10,979	10,979	64,078		
Procurement, Construction, and Improvements	34,332	34,332	71,582	34,332	34,332	71,446	34,317	39,012	64,030		
Operational Communications/Information Technology	26,250	26,250	11,000	26,250	26,250	10,979	26,150	25,018	25,018		
Construction and Facility Improvements	250	250	26,250	250	250	26,150	250	250	250		
Mission Support Assets and Infrastructure	6,714	6,481	265,000	6,714	6,481	265,000	6,934	7,150	265,000		
Research and Development	6,714	6,481	1,926,808	6,714	6,481	1,925,481	6,934	7,150	1,943,626		
Contribution for Annuity Accounts	6,714	6,481	1,926,808	6,714	6,481	1,925,481	6,934	7,150	1,943,626		
Net Discretionary	6,714	6,481	1,926,808	6,714	6,481	1,925,481	6,934	7,150	1,943,626		
Adjusted Net Discretionary	6,714	6,481	1,926,808	6,714	6,481	1,925,481	6,934	7,150	1,943,626		
Mandatory - Appropriation			265,000			265,000			265,000		
Adjusted Net Mandatory Appropriation			265,000			265,000			265,000		

Department of Homeland Security Total Budget Authority										
	FY 2016 Revised Enacted			FY 2017 Annualized CR			FY 2018 President's Budget			
	Pos.	FTE	SSS	Pos.	FTE	SSS	Pos.	FTE	SSS	
National Protection and Programs Directorate										
Mission Support	3,756	3,178	3,075,838	3,877	3,299	3,081,428	4,159	3,592	3,277,489	
Cybersecurity	2,275	1,792	1,292,477	2,275	1,792	1,291,354	2,557	2,085	1,455,275	
Cyber Readiness and Response	418	356	89,995	418	356	75,590	435	349	87,517	
NCCIC Operations	603	408	583,735	603	408	593,765	579	376	720,557	
NCCIC Planning and Exercises	309	230	153,514	309	230	151,726	376	286	200,965	
Cybersecurity Advisers	172	135	87,278	172	135	87,109	215	155	116,471	
Enhanced Cybersecurity Services	137	95	66,255	137	95	64,617	161	131	84,494	
Cybersecurity Education & Awareness	34	15	8,243	34	15	42,053	48	38	41,043	
Federal Cybersecurity	16	7	16,597	16	7	16,543	30	22	17,157	
Continuous Diagnostics and Mitigation	10	5	17,346	10	5	17,294	10	6	10,093	
National Cybersecurity Protection System	264	163	388,015	264	163	399,988	319	253	477,649	
Infrastructure Protection	26	26	26,605	26	26	28,093	87	63	42,766	
Infrastructure Capacity Building	337	100	39,853	337	100	39,658	358	100	93,788	
Sector Risk Management	121	98	32,847	121	98	32,782	148	122	35,677	
Protective Security Advisers	20	19	14,206	20	19	14,122	20	19	14,759	
Bombing Prevention	64	50	23,119	64	50	23,026	63	50	20,608	
Infrastructure Information and Sensitive Data Protection	287	232	74,637	287	232	76,053	307	255	72,444	
Emergency Communications	126	103	100,551	126	103	100,976	137	108	113,921	
Emergency Communications Preparedness	96	77	43,558	96	77	44,163	107	83	49,966	
Priority Telecommunications Services	30	26	56,993	30	26	56,813	30	26	63,958	
GETS/WPS SRAS TSP	17	15	55,169	17	15	54,992	17	15	56,319	
Next Generation Networks Priority Services	13	11	1,524	13	11	1,821	13	11	7,636	
Integrated Operations	334	265	118,552	334	265	120,699	391	322	125,896	
Cyber and Infrastructure Analysis	110	60	41,354	110	60	43,597	148	116	43,222	
National Infrastructure Simulation Analysis Center (NISAC)	110	60	18,650	110	60	18,569	148	116	8,912	
Infrastructure Analysis	110	60	22,704	110	60	25,028	148	116	34,410	
Critical Infrastructure Situational Awareness	34	34	13,702	34	34	13,648	51	41	21,222	
Stakeholder Engagement and Requirements	113	104	50,108	113	104	50,089	118	102	46,994	
Strategy, Policy, and Plans	58	58	13,388	58	58	13,365	74	63	14,448	
Office of Biometric Identity Management	170	161	21,525	170	161	21,468	170	154	219,429	
Identity and Screening Program Operations	170	161	69,827	170	161	69,534	170	154	68,826	
IDENT Homeland Advanced Recognition Technology, Operations and Maintenance			145,425			145,149			150,603	
Procurement, Construction, and Improvements			333,523			332,889			335,033	
Cybersecurity			189,173			188,813			241,309	
Continuous Diagnostics and Mitigation			97,435			97,250			185,180	
National Cybersecurity Protection System			91,738			91,563			56,129	
Emergency Communications			78,550			78,401			48,905	
Next Generation Networks Priority Services			78,550			78,401			48,905	
Biometric Identity Management			63,800			63,675			40,100	
IDENT/Homeland Advanced Recognition Technology			63,800			63,675			40,100	
Integrated Operations Assets and Infrastructure									500	
Modeling Capability Transition Environment									4,218	
Infrastructure Protection									4,218	
Infrastructure Protection (IP) Gateway									4,218	

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Department of Homeland Security Total Budget Authority											
	FY 2016 Revised Enacted			FY 2017 Annualized CR			FY 2018 President's Budget				
	Pos.	FTE	SSS	Pos.	FTE	SSS	Pos.	FTE	SSS		
Research and Development											
Cybersecurity.....			6,119			6,107			6,107		11,126
Infrastructure Protection.....			2,030			2,030			2,030		4,695
Integrated Operations R&D.....			4,085			4,081			4,081		2,431
Federal Protective Service											4,000
FPS Operations.....	1,481	1,386	1,443,449	1,602	1,507	1,451,078	1,602	1,507	1,451,078	1,507	1,476,055
Operating Expenses.....	1,481	1,386	336,458	1,602	1,507	368,892	1,602	1,507	368,892	1,507	360,079
Countermeasures.....	1,481	1,386	336,458	1,602	1,507	368,892	1,602	1,507	368,892	1,507	360,079
Protective Security Officers.....			1,106,991			1,082,186			1,115,976		1,115,976
Technical Countermeasures.....			1,085,699			1,061,371			1,071,286		1,071,286
			21,292			20,815			44,699		44,699
Discretionary - Offsetting Fee											
Adjusted Discretionary - Fee	1,481	1,386	1,443,449	1,602	1,507	1,451,078	1,602	1,507	1,451,078	1,507	1,476,055
Net Discretionary											
Adjusted Net Discretionary	2,275	1,792	1,632,389	2,275	1,792	1,630,350	2,557	2,085	1,801,434	2,085	1,801,434
Gross Discretionary											
Adjusted Gross Discretionary	3,756	3,178	3,075,838	3,877	3,299	3,081,428	4,159	3,592	3,277,489	3,592	3,277,489
Office of Health Affairs											
Operations and Support	103	96	125,333	103	96	122,747	103	96	111,319	96	111,319
Mission Support.....	103	96	125,333	103	96	122,747	103	96	111,319	96	111,319
Chemical and Biological Readiness.....	103	96	26,974	103	96	24,575	103	96	28,419	96	28,419
Health and Medical Readiness.....			82,802			82,744			77,380		77,380
Integrated Operations.....			4,495			4,487			4,120		4,120
			11,062			10,941			1,400		1,400
Net Discretionary	103	96	125,333	103	96	122,747	103	96	111,319	96	111,319
Adjusted Net Discretionary	103	96	125,333	103	96	122,747	103	96	111,319	96	111,319
Federal Emergency Management Agency											
Operations and Support	5,205	9,673	15,712,464	5,335	9,838	16,151,751	5,350	9,809	15,552,106	9,809	15,552,106
Mission Support.....	4,150	3,839	918,954	4,156	3,618	916,965	4,207	3,659	1,014,748	3,659	1,014,748
Regional Operations.....	1,288	1,209	371,474	1,293	1,145	358,452	1,320	1,171	468,289	1,171	468,289
Mitigation.....	1,118	1,092	151,460	1,112	978	154,158	1,112	978	156,417	978	156,417
Preparedness and Protection.....	67	67	28,108	69	64	30,032	85	73	36,141	73	36,141
Response and Recovery.....	527	504	149,527	528	422	148,916	523	416	131,981	416	131,981
Response.....	1,153	965	218,385	1,154	1,009	225,407	1,168	1,021	221,920	1,021	221,920
Recovery.....	775	648	169,815	821	725	180,100	840	743	175,226	743	175,226
	378	317	48,576	333	284	45,307	328	276	46,694	276	46,694
Procurement, Construction, and Improvements											
Operational Communications/Information Technology			43,300	14	11	43,218			89,996		89,996
Construction and Facility Improvements.....			2,800			2,795			12,018		12,018
Mission Support Assets and Infrastructure.....			29,000			28,945			44,519		44,519
Federal Assistance											
Grants.....	447	411	3,027,916	460	412	3,022,732	380	364	2,064,130	364	2,064,130
State Homeland Security Grant Program.....	75	68	2,752,652	73	68	2,747,992			1,900,863		1,900,863
Urban Area Security Initiative.....			467,000			466,112			349,362		349,362
Public Transportation Security Assistance.....			599,985			598,844			448,844		448,844
Port Security Grants.....			100,000			99,810			47,809		47,809
Countering Violent Extremism.....			100,000			99,810			47,809		47,809
Assistance to Firefighters Grants.....			50,000			49,905			344,344		344,344
Staffing for Adequate Fire and Emergency Response (SAFER) Grants.....			345,000			344,344			344,344		344,344
Emergency Management Performance Grants.....			350,000			349,335			279,335		279,335
Predicates Mitigation Grant.....	116	8	85,667	116	8	86,077			39,016		39,016

Department of Homeland Security Total Budget Authority									
	FY 2016 Revised Enacted			FY 2017 Annualized CR			FY 2018 President's Budget		
	Pos.	FTE	SSS	Pos.	FTE	SSS	Pos.	FTE	SSS
Flood Hazard Mapping and Risk Analysis Program (RiskMAP)	57	57	190,000	57	57	189,639			
Emergency Food and Shelter	374	343	120,000	387	344	119,772	380	364	163,267
Education, Training, and Exercises	102	97	275,264	114	91	274,740	114	107	63,771
Center for Domestic Preparedness	97	80	64,991	93	88	64,867	86	85	17,066
Center for Homeland Defense and Security	97	80	18,000	93	88	17,966	86	85	18,824
Emergency Management Institute	134	132	20,569	135	128	20,530	138	129	41,913
U.S. Fire Administration	134	132	42,264	135	128	42,183	138	129	41,913
National Domestic Preparedness Consortium	134	132	98,000	135	128	97,814	138	129	41,913
Continuing Training Grants	48	34	11,521	45	37	11,499	45	43	20,793
National Exercise Program	48	34	19,919	45	37	19,881	45	43	20,793
Disaster Relief Fund	55	4,899	7,319,693	66	5,186	7,374,693	66	5,183	7,351,720
Base Disaster Relief	55	449	606,740	66	449	661,740	66	446	558,720
Disaster Relief Category		4,450	6,712,953		4,737	6,712,953		4,737	6,793,000
National Flood Insurance Program	383	371	4,403,759	469	450	4,794,408	527	493	5,032,536
Mission Support	124	124	23,706	124	124	23,661	49	46	13,573
Floodplain Management and Flood Mapping	217	205	180,669	217	205	157,193	287	266	239,927
National Flood Insurance Fund	42	42	3,381,829	128	121	3,535,367	191	181	3,809,409
National Flood Insurance Reserve Fund			817,555			1,078,187			969,627
Radiological Emergency Preparedness Program	170	153	(1,158)	170	161	(265)	170	170	(1,024)
Rescission of Prior Year Unobligated Balances (Discretionary - Appropriation)			(1,049,217)			(1,049,217)			(581,345)
Discretionary - Offsetting Fee	341	329	204,375	341	329	180,854	336	312	253,500
Discretionary - Major Disasters (DRF)		4,450	6,712,953		4,737	6,712,953		4,737	6,793,000
Net Discretionary Transfer to OIG	4,822	4,852	4,595,752	4,866	4,651	4,644,390	4,823	4,639	3,726,570
Adjusted Net Discretionary	4,822	4,852	3,546,535	4,866	4,651	(24,000)	4,823	4,639	(24,000)
Gross Discretionary	5,163	9,631	11,513,080	5,207	9,717	11,538,197	5,159	9,688	10,773,070
Adjusted Gross Discretionary	5,163	9,631	10,463,863	5,207	9,717	10,464,980	5,159	9,688	10,167,725
Mandatory - Fee	42	42	4,199,384	128	121	4,613,554	191	181	4,779,036
Adjusted Mandatories - Fee	42	42	4,199,384	128	121	4,613,554	191	181	4,779,036

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Department of Homeland Security Total Budget Authority											
	FY 2016 Revised Enacted			FY 2017 Annualized CR			FY 2018 President's Budget				
	Pos.	FTE	SSS	Pos.	FTE	SSS	Pos.	FTE	SSS		
United States Citizenship and Immigration Services Operations and Support	16,432	15,371	3,787,338	15,875	15,091	3,606,909	18,196	17,296	4,443,039		
Employment Status Verification.....	419	398	104,560	419	398	101,281	419	398	108,856		
Procurement, Construction, and Improvements Verification Modernization (VER).....	419	-	15,111	-	-	15,082	-	-	22,657		
Immigration Examinations Fee Account	15,828	14,788	3,604,366	15,271	14,508	3,430,546	17,592	16,713	4,228,339		
District Operations.....	7,778	7,276	1,590,552	7,630	7,249	1,615,409	8,311	7,895	1,756,407		
Service Center Operations.....	3,539	3,352	599,010	3,846	3,654	669,891	3,556	3,378	649,461		
Asylum, Refugee and International Operations.....	1,606	1,447	284,231	1,381	1,312	259,042	1,668	1,585	399,882		
Records Operations.....	394	360	129,368	359	341	124,177	430	408	135,477		
Premium Processing (Including Transformation).....	447	419	436,637	360	342	226,380	1,430	1,359	620,829		
Information and Customer Services.....	317	299	97,932	317	300	124,041	329	313	109,445		
Administration.....	1,522	1,423	434,316	1,472	1,398	384,585	1,645	1,563	522,010		
Systematic Alien Verification for Entitlements (SAVE).....	223	212	32,320	223	212	27,021	223	212	34,828		
IH-1B Nonimmigrant Petitioner Account	-	-	15,000	-	-	15,000	-	-	15,000		
Service Center Operations.....	-	-	15,000	-	-	15,000	-	-	15,000		
Fraud Prevention and Detection Account	185	185	48,301	185	185	45,000	185	185	67,187		
District Operations.....	115	115	27,394	115	115	29,523	115	115	45,101		
Service Center Operations.....	70	70	20,603	70	70	15,169	70	70	21,778		
Asylum and Refugee Operating Expenses.....	-	-	308	-	-	308	-	-	308		
Net Discretionary	419	398	119,671	419	398	116,363	419	398	131,513		
CHIMP (Mandatory)	-	-	(4,000)	-	-	(4,000)	-	-	(4,000)		
Adjusted Net Discretionary	419	398	115,671	419	398	112,363	419	398	127,513		
Mandatory - Fee	16,013	14,973	3,667,667	15,456	14,693	3,490,546	17,777	16,898	4,310,526		
Adjusted Mandatory - Fee	16,013	14,973	3,667,667	15,456	14,693	3,490,546	17,777	16,898	4,310,526		
Federal Law Enforcement Training Center	1,133	1,106	244,480	1,095	1,068	243,994	1,139	1,112	272,759		
Operations and Support	1,133	1,106	244,480	1,095	1,068	243,994	1,139	1,112	272,759		
Mission Support.....	223	217	28,075	223	217	28,034	223	217	28,034		
Law Enforcement Training.....	910	889	216,405	872	851	215,960	916	895	244,725		
Procurement, Construction, and Improvements	-	-	-	-	-	-	-	-	-		
Construction and Facility Improvements.....	-	-	-	-	-	-	-	-	-		
Net Discretionary	1,133	1,106	244,480	1,095	1,068	243,994	1,139	1,112	272,759		
Adjusted Net Discretionary	1,133	1,106	244,480	1,095	1,068	243,994	1,139	1,112	272,759		
Science and Technology	480	480	776,653	480	480	771,690	431	455	627,324		
Operations and Support	480	480	302,079	480	480	299,015	431	455	254,618		
Mission Support.....	344	344	121,245	344	344	119,220	324	334	119,823		
Laboratory Facilities.....	136	136	133,731	136	136	133,943	107	121	92,243		
Acquisition and Operations Analysis.....	-	-	47,103	-	-	45,852	-	-	42,552		
Procurement, Construction, and Improvements	-	-	-	-	-	-	-	-	-		
Laboratory Facilities.....	-	-	-	-	-	-	-	-	-		
Research and Development	-	-	474,574	-	-	472,675	-	-	372,706		
Research, Development and Innovation	-	-	434,850	-	-	432,951	-	-	342,982		
University Programs.....	-	-	39,724	-	-	39,724	-	-	29,724		
Net Discretionary	480	480	776,653	480	480	771,690	431	455	627,324		
Adjusted Net Discretionary	480	480	776,653	480	480	771,690	431	455	627,324		

Department of Homeland Security Total Budget Authority									
	FY 2016 Revised Enacted			FY 2017 Annualized CR			FY 2018 President's Budget		
	Pos.	FTE	SSS	Pos.	FTE	SSS	Pos.	FTE	SSS
Domestic Nuclear Detection Office									
Operations and Support	137	137	347,036	137	137	342,059	158	144	330,440
Mission Support	137	137	51,461	137	137	50,095	158	144	54,664
	137	137	51,461	137	137	50,095	158	144	54,664
Procurement, Construction, and Improvements									
Large Scale Detection Systems			88,289			87,096			87,096
Human Portable Rad/Nuc Systems			51,269			53,096			62,524
			37,020			34,000			24,572
Research and Development									
Architecture Planning and Analysis			160,005			158,173			144,161
Transformational Research and Development			15,758			15,578			15,937
Detection Capability Development			64,684			63,943			60,581
Detection Capability Assessments			21,029			20,788			15,155
Nuclear Forensics			39,503			39,051			34,127
			19,031			18,813			18,361
Federal Assistance									
Federal, State, Local, Territorial, and Tribal Support			47,281			46,695			44,519
Securing the Cities			26,168			25,560			23,384
			21,113			21,135			21,135
Net Discretionary	137	137	347,036	137	137	342,059	158	144	330,440
Adjusted Net Discretionary	137	137	347,036	137	137	342,059	158	144	330,440
DEPARTMENT OF HOMELAND SECURITY									
Recession of Prior Year Unobligated Balances (Discretionary - Appropriation)	226,916	217,150	65,674,835	226,947	218,403	65,978,997	233,613	225,836	70,692,491
			(1,049,217)			(1,049,217)			(593,745)
[Net Discretionary - Fee]	11,638	11,638	(243,454)	11,086	11,086	(251,935)	11,367	11,367	(274,001)
Discretionary - Fee	431	408	441,007	392	362	348,363	508	504	394,359
Discretionary - Offsetting Fee	1,822	1,715	3,777,824	1,943	1,836	3,761,932	1,938	1,819	4,645,555
Discretionary - Major Disasters (DRF)									
		4,450	6,712,953		4,737	6,712,953		4,737	6,793,000
Net Discretionary	198,798	185,825	42,294,746	197,830	185,530	42,311,771	201,187	189,714	44,661,433
Adjusted Net Discretionary	198,798	185,825	41,241,529	197,830	185,530	41,258,554	201,187	189,714	44,063,688
Gross Discretionary	201,042	192,390	53,226,530	200,365	192,665	53,135,019	203,723	196,864	56,494,347
Adjusted Gross Discretionary	201,042	192,390	52,177,313	200,365	192,665	52,085,802	203,723	196,864	55,909,002
Mandatory - Appropriation	14	14	2,342,276	14	14	2,335,263	19	19	2,428,104
Mandatory - Fees	25,860	24,746	10,106,029	26,568	25,724	10,508,715	29,871	28,953	11,770,040
[Overseas Contingency Operations]		[366]	[160,002]		[366]	[160,002]			
[Trust Funds]			[45,000]			[45,000]			[45,000]

AR0020



U.S. Department of
Homeland Security

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Due to the lapse in federal funding, this website will not be actively managed. More info.

The Perils of Illegal Border Crossing

Release Date: July 19, 2018

The Trump Administration has repeatedly referenced the dangers of trekking to and attempting to illegally enter the southwest border of the United States. As the perilous realities of these journeys have gone underreported, the Department of Homeland Security has compiled a list of the illegality stemming from trafficking and smuggling, the health and safety risks of entrusting someone to illegally take you across the border, and the dangerous transnational criminal organizations that exploit the porous southwest border to bolster their numbers in the interior.

On July 10, Secretary Kirstjen M. Nielsen met with foreign and security ministers from Guatemala, Honduras, El Salvador, and Mexico in Guatemala City, Guatemala to discuss how to expand and share joint public messaging efforts to dissuade potential migrants from taking the dangerous journey north—and work to counter-message the advertising and false information promoted by human smugglers.

Human Smugglers/Traffickers

- [July 16, 2018 \(https://www.ice.gov/news/releases/using-data-analytics-target-human-smugglers\)](https://www.ice.gov/news/releases/using-data-analytics-target-human-smugglers): DHS Directorate uses data analytics to target human smugglers.

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- [July 16, 2018 \(https://www.cbp.gov/newsroom/local-media-release/rio-grande-valley-border-patrol-agents-seize-narcotics-worth-over-673k\)](https://www.cbp.gov/newsroom/local-media-release/rio-grande-valley-border-patrol-agents-seize-narcotics-worth-over-673k) : U.S. Border Patrol agents discover an assortment of narcotics during a failed smuggling attempt worth over \$673K.
- [July 16, 2018 \(/redirect?url=https%3A%2F%2Fwww.ntd.tv%2Finspiring%2Flife%2F3-year-old-abandoned-by-human-traffickers-rescued-along-river-by-us-border-patrol-agents.html\)](https://www.ntd.tv/inspiring-life/3-year-old-abandoned-by-human-traffickers-rescued-along-river-by-us-border-patrol-agents.html) : 3-year-old, abandoned by human traffickers, rescued along river by US border Patrol agents
- [July 14, 2018 \(/redirect?url=http%3A%2F%2Fwww.foxnews.com%2Fus%2F2018%2F07%2F13%2Fice-agents-arrest-18-human-smugglers-117-illegal-immigrants-in-texas-new-mexico.html\)](https://www.foxnews.com/us/2018/07/14/ice-agents-arrest-18-human-smugglers-117-illegal-immigrants-in-texas-new-mexico.html) : ICE agents arrest 18 human smugglers, 117 illegal immigrants in Texas, New Mexico
- [July 14, 2018 \(/redirect?url=https%3A%2F%2Fwww.star-telegram.com%2Fnews%2Fstate%2Ftexas%2Farticle214891520.html\)](https://www.star-telegram.com/news/state/2018/07/14/cbp-identified-a-stash-house-in-rio-grande-valley-attempting-to-smuggle-54-illegal-aliens-from-guatemala-honduras-india-mexico-el-salvador-and-ecuador) : CBP identified a stash house in Rio Grande Valley attempting to smuggle 54 illegal aliens from Guatemala, Honduras, India, Mexico, El Salvador, and Ecuador.
- [July 11, 2018 \(https://www.cbp.gov/newsroom/local-media-release/rio-grande-valley-border-patrol-agents-arrest-six-criminal-aliens-one\)](https://www.cbp.gov/newsroom/local-media-release/rio-grande-valley-border-patrol-agents-arrest-six-criminal-aliens-one) : Border Patrol agents across the Rio Grande Valley arrested four gang members and two sex offenders including active members of MS-13 and the 18th Street gang.
- [July 5, 2018 \(https://www.cbp.gov/newsroom/national-media-release/border-patrol-agents-rescue-64-illegal-aliens-trapped-tractor\)](https://www.cbp.gov/newsroom/national-media-release/border-patrol-agents-rescue-64-illegal-aliens-trapped-tractor) : Border Patrol Agents Rescue 64 Illegal Aliens Trapped in Tractor Trailers
- [July 2, 2018 \(https://www.cbp.gov/newsroom/local-media-release/twelve-discovered-tractor-trailer-rio-grande-valley\)](https://www.cbp.gov/newsroom/local-media-release/twelve-discovered-tractor-trailer-rio-grande-valley) : U.S. Border Patrol agents assigned to the Falfurrias Checkpoint arrested two United States citizens attempting to smuggle 12 illegal aliens inside a tractor-trailer.
- [July 2, 2018 \(/redirect?url=https%3A%2F%2Fwww.breitbart.com%2Ftexas%2F2018%2F07%2F03%2Fborder-patrol-finds-two-teen-human-trafficking-victims-with-migrant-group%2F\)](https://www.breitbart.com/texas/2018/07/02/border-patrol-finds-two-teen-human-trafficking-victims-with-migrant-group/) : Border patrol finds two teen human trafficking victims with migrant group
- [July 2, 2018 \(https://www.cbp.gov/newsroom/local-media-release/cbp-officers-laredo-port-entry-weekend-apprehend-man-warrant-sex\)](https://www.cbp.gov/newsroom/local-media-release/cbp-officers-laredo-port-entry-weekend-apprehend-man-warrant-sex) : CBP Officers at Laredo Port of Entry This Weekend Apprehend Man with Warrant for Sex-related Offenses Against a Child

- [June 30, 2018 \(/redirect?url=https%3A%2F%2Fwww.nytimes.com%2Finteractive%2F2018%2F06%2F30%2Fworld%2Fsmuggling-illegal-immigration-costs.html\)](#) : NYT describes the perils of an El Salvadorian immigrant's attempt to cross the U.S.-Mexico border with assistance from professional human traffickers whose services cost more than \$12,000. Traffickers forced 70 illegal immigrants into a "stash home," in Texas where they deprived the immigrants of food and water for 36 hours.
- [June 26, 2018 \(https://www.cbp.gov/newsroom/local-media-release/child-smuggler-arrested-rio-grande-valley\)](#) : CBP arrested a US national attempting to smuggle an unaccompanied 8 year old alien from Honduras across a checkpoint near Falfurrias, TX.
- [June 20, 2018 \(https://www.cbp.gov/newsroom/local-media-release/agents-rescue-6-year-old-abandoned-smuggler\)](#) : CBP rescued a 6-year-old illegal alien from Costa Rica who had been abandoned by a smuggler near Lukeville, AZ, in temperatures over 100F.
- [June 19, 2018 \(https://www.ice.gov/news/releases/federal-criminal-complaint-filed-against-driver-and-4-others-involved-south-texas\)](#) : Smugglers led ICE agents on a high speed chase that resulted in the death of 5 illegal aliens when their driver crashed near Eagle Pass, Texas. The SUV was carrying 13 suspected illegal aliens in total, including a juvenile, and the survivors were hospitalized.
- [June 18, 2018 \(/redirect?url=https%3A%2F%2Fwww.nytimes.com%2F2018%2F06%2F18%2Fus%2Fpolitics%2Fdhs-kirstjen-nielsen-families-separated-border-transcript.html\)](#) : Kirstjen Nielsen Addresses Family Separation at Border: Full Transcript
- [June 15, 2018 \(https://www.cbp.gov/newsroom/local-media-release/10-illegal-aliens-found-douglas-home\)](#) : CBP agents found 10 illegal aliens near Tucson, AZ, in a home with no air conditioning, littered with trash, decaying food and human feces.
- [June 8, 2018 \(https://www.cbp.gov/newsroom/local-media-release/laredo-sector-border-patrols-agents-rescue-six-illegal-aliens-trapped\)](#) : CBP discovered six illegal aliens trapped inside cabinets in the back of a truck. The cabinets were closed with ratchet straps and had no air circulation on a hot day.
- [June 5, 2018 \(https://www.cbp.gov/newsroom/local-media-release/three-deceased-individuals-found-less-24-hours-rio-grande-valley-multi\)](#) : The bodies of three illegal

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immigrants who had been abandoned by smugglers were discovered in the Rio Grande Valley near Edinburg, TX in separate incidents.

- [May 11, 2018 \(https://www.cbp.gov/newsroom/local-media-release/border-patrol-agents-arrest-sex-offender-human-smuggling-attempt\)](https://www.cbp.gov/newsroom/local-media-release/border-patrol-agents-arrest-sex-offender-human-smuggling-attempt): CBP agents arrested a convicted sex offender from California who was attempting to smuggle four illegal aliens from Mexico west of Yuma, AZ.
- [May 8, 2018 \(https://www.cbp.gov/newsroom/local-media-release/laredo-sector-border-patrol-agents-rescue-over-680-illegal-aliens\)](https://www.cbp.gov/newsroom/local-media-release/laredo-sector-border-patrol-agents-rescue-over-680-illegal-aliens): CBP discovered a severely dehydrated illegal alien that claimed to have been assaulted by a smuggler on a ranch near Laredo, TX.
- [April 7, 2018 \(https://www.cbp.gov/newsroom/local-media-release/laredo-sector-border-patrol-agents-continue-rescue-efforts-0\)](https://www.cbp.gov/newsroom/local-media-release/laredo-sector-border-patrol-agents-continue-rescue-efforts-0): CBP agents discovered 9 illegal aliens near Laredo, TX, over the course of two days. Two of the illegal aliens had been abandoned by smugglers and one was severely dehydrated and in need of immediate medical attention.
- [April 2, 2018 \(https://www.cbp.gov/newsroom/local-media-release/border-patrol-agents-rescue-man-abandoned-smugglers\)](https://www.cbp.gov/newsroom/local-media-release/border-patrol-agents-rescue-man-abandoned-smugglers): CBP agents near Tucson, AZ rescued an injured and severely dehydrated 34-year old illegal alien from Guatemala who had been abandoned by smugglers, along with 11 other illegal aliens, two of whom had to be treated for dehydration.
- [February 2, 2018 \(https://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-department-justice-s-human-trafficking-summit\)](https://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-department-justice-s-human-trafficking-summit): A recent DOJ partnership with Mexico has resulted in federal prosecution of more than 50 international defendants for various roles in trafficking women and young girls. In 2017, more than 500 defendants were convicted for various human trafficking offenses.
- [October 5, 2017 \(/redirect?url=https%3A%2F%2Fwww.theguardian.com%2Fworld%2F2017%2Foct%2F05%2Friding-the-beast-child-migrants-reveal-full-horror-of-their-journeys-to-us\)](https://www.theguardian.com/world/2017/oct/05/friding-the-beast-child-migrants-reveal-full-horror-of-their-journeys-to-us): Young women and girls face extraordinary risk of sexual violence on the journey to the United States. [60 \(/redirect?url=https%3A%2F%2Ffusiondotnet.files.wordpress.com%2F2014%2F09%2Famr410142010eng.pdf\)](https://fusiondotnet.files.wordpress.com/2014/09/2Famr410142010eng.pdf) - [80 \(/redirect?url=https%3A%2F%2Fsplinternews.com%2Fis-rape-the-price-to-pay-for-migrant-women-chasing-](https://splinternews.com%2Fis-rape-the-price-to-pay-for-migrant-women-chasing)

[the-1793842446](#)) % of the women and girls who cross Mexico to get to the U.S. border are raped along the way.

- [July 28, 2017 \(/redirect?url=https%3A%2F%2Fwww.cnn.com%2F2017%2F07%2F28%2Fus%2Fmigrant-deaths-and-human-trafficking-by-the-numbers%2Findex.html\)](#) : The deadly toll of human smuggling and trafficking in the US
- [April 21, 2017 \(https://www.justice.gov/opa/pr/eight-members-mexican-sex-trafficking-enterprise-plead-guilty-racketeering-sex-trafficking\)](#) : Eight Mexican drug cartel members were convicted for participating in the trafficking of nine women, two minors, and the prostitution of a twelfth woman. The young Mexican and Guatemalan women were recruited on false promises, smuggled into the United States and sold into sex slavery in various states.

Dangerous Means of Transportation

- [July 12, 2018 \(https://www.cbp.gov/newsroom/local-media-release/border-patrol-arrests-kansas-man-smuggling-two-and-recover-stolen\)](#) : Border Patrol Arrests Kansas Man Smuggling Two and Recover Stolen Vehicle
- [July 11, 2018 \(/redirect?url=https%3A%2F%2Fvoiceofoc.org%2F2018%2F07%2Fborder-patrol-says-human-smuggling-by-boat-increased-in-oc-and-so-cal%2F\)](#) : Human smuggling by boat has increased in Southern California
- [July 9, 2018 \(https://www.cbp.gov/newsroom/local-media-release/border-patrol-discovers-narcotics-vehicle-s-front-floorboards\)](#) : Border patrol discovers a roughly \$133,122 worth of narcotics in vehicle's front floorboards.
- [July 3, 2018 \(https://www.cbp.gov/newsroom/local-media-release/laredo-sector-border-patrol-agents-discover-illegal-aliens-concealed\)](#) : Laredo Sector Border Patrol Agents Discover Illegal Aliens Concealed Inside Duffle Bags
- [July 2, 2018 \(https://www.cbp.gov/newsroom/local-media-release/mexican-national-arrested-smuggling-six-others\)](#) : Willcox Border Patrol agents arrested seven Mexican nationals on interstate during attempt to smuggle six persons inside 2003 Chrysler 300 trunk.
- [June 22, 2018 \(https://www.cbp.gov/newsroom/local-media-release/us-border-patrol-agents-rescue-distressed-immigrant\)](#) : Border Patrol rescued an illegal alien from Mexico off

of the top of a train he had jumped on to, sustaining injuries to his ankle and ribcage.

- [June 19, 2018 \(/redirect?url=https%3A%2F%2Fwgn.com%2F2018%2F06%2F19%2Fstate-police-rescue-25-illegal-immigrants-including-2-children-from-human-trafficking-operation%2F\)](#): Louisiana State Police rescue 25 immigrants, including 2 children, from human trafficking operation
- [June 19, 2018 \(https://www.cbp.gov/newsroom/local-media-release/border-patrol-agents-find-18-illegal-aliens-inside-utility-truck\)](https://www.cbp.gov/newsroom/local-media-release/border-patrol-agents-find-18-illegal-aliens-inside-utility-truck): CBP agents discovered 18 illegal aliens inside a utility truck near Tucson, AZ, including two children. The truck had no source of light, fresh air ventilation or air conditioning, water or any means of escape from the inside.
- [March 7, 2018 \(https://www.cbp.gov/newsroom/local-media-release/border-patrol-efforts-south-texas-yields-448-illegal-alien-rescues\)](https://www.cbp.gov/newsroom/local-media-release/border-patrol-efforts-south-texas-yields-448-illegal-alien-rescues): During January and February alone, CBP rescued 448 illegal aliens being smuggled in tractor trailers in the South Texas Corridor.
- [July 24, 2017 \(/redirect?url=https%3A%2F%2Fwww.theguardian.com%2Fus-news%2F2017%2Fjul%2F24%2Fsan-antonio-migrants-texas-human-trafficking\)](#): A tractor-trailer filled with at least 90 illegal aliens was discovered in a Walmart parking lot in San Antonio, TX, with temperatures around 101F. 10 of illegal aliens died as a result of severe dehydration and lack of oxygen, with an additional 20 in “dire condition” and suffering from heatstroke.

Environment

- [June 29, 2018 \(https://www.cbp.gov/newsroom/local-media-release/large-groups-family-units-and-unaccompanied-children-continue-cross\)](https://www.cbp.gov/newsroom/local-media-release/large-groups-family-units-and-unaccompanied-children-continue-cross): CBP encountered 31 illegal aliens near the Rio Grande in Texas, primarily comprised of families and unaccompanied children from Guatemala, Honduras and El Salvador.
- [June 29, 2018 \(https://www.cbp.gov/newsroom/local-media-release/rio-grande-valley-border-patrol-agents-save-lives-inclement-weather\)](https://www.cbp.gov/newsroom/local-media-release/rio-grande-valley-border-patrol-agents-save-lives-inclement-weather): CBP agents rescued four illegal aliens who had been swept away by a river on separate occasions, the body of one illegal alien floating in the Rio Grande near Peñitas, Texas and, at a later occasions, an alien from Honduras who was pronounced dead when agents arrived on scene near Falfurrias, Texas.

- [June 28, 2018 \(https://www.cbp.gov/newsroom/local-media-release/border-patrol-partners-marine-corps-rescue-six-distress\)](https://www.cbp.gov/newsroom/local-media-release/border-patrol-partners-marine-corps-rescue-six-distress) : CBP rescued six illegal aliens from Mexico and Honduras, three of whom were rescued from the peak of the Mohawk mountains and had to be treated for dehydration.
- [June 26, 2018 \(/redirect?url=https%3A%2F%2Fnypost.com%2F2018%2F06%2F26%2Fmore-migrants-are-dying-from-heat-near-us-mexico-border%2F\)](/redirect?url=https%3A%2F%2Fnypost.com%2F2018%2F06%2F26%2Fmore-migrants-are-dying-from-heat-near-us-mexico-border%2F) : The number of migrants dying from extreme heat on the U.S.-Mexico border rose 55 percent in the past nine months from 31 deaths during the same period in 2017 to 48 in 2018.
- [June 23, 2018 \(/redirect?url=https%3A%2F%2Ftucson.com%2Fnews%2Flocal%2Fborder-patrol-smugglers-abandoned-immigrants-in-arizona%2Farticle_5b6b3cee-7720-11e8-b5d9-6b1749efeb1f.html\)](/redirect?url=https%3A%2F%2Ftucson.com%2Fnews%2Flocal%2Fborder-patrol-smugglers-abandoned-immigrants-in-arizona%2Farticle_5b6b3cee-7720-11e8-b5d9-6b1749efeb1f.html) : CBP rescued 57 aliens who were abandoned by their smuggler guides during a record heatwave of 108F in the Arizona desert. The group included 36 minors, 17 of whom were unaccompanied including a one-year-old toddler. An underage pregnant female had to be provided with intravenous fluids by CBP EMTs.
- [June 26, 2018 \(https://www.cbp.gov/newsroom/local-media-release/border-patrol-agent-rescues-honduran-national\)](https://www.cbp.gov/newsroom/local-media-release/border-patrol-agent-rescues-honduran-national) : CBP rescued a previously deported illegal immigrant from Honduras who was drowning in the Yuma River near Yuma, AZ.
- [June 11, 2018 \(https://www.cbp.gov/newsroom/local-media-release/del-rio-sector-border-patrol-warns-against-danger-extreme-heat\)](https://www.cbp.gov/newsroom/local-media-release/del-rio-sector-border-patrol-warns-against-danger-extreme-heat) : CBP reported that 11 illegal aliens had lost their lives due to heat exhaustion near Del Rio, Texas since October of 2017.
- [May 23, 2018 \(/redirect?url=https%3A%2F%2Fwww.cbsnews.com%2Fnews%2Ftexas-tractor-trailer-full-undocumented-immigrants-raymondville-many-dehydrated%2F\)](/redirect?url=https%3A%2F%2Fwww.cbsnews.com%2Fnews%2Ftexas-tractor-trailer-full-undocumented-immigrants-raymondville-many-dehydrated%2F) : 80 illegal immigrants were found in the rear of a tractor trailer, 50 miles from the Mexican border, after being detained, many were treated for dehydration.
- [May 11, 2018 \(https://www.cbp.gov/newsroom/local-media-release/us-border-patrol-agents-arrest-teen-smuggling-fentanyl\)](https://www.cbp.gov/newsroom/local-media-release/us-border-patrol-agents-arrest-teen-smuggling-fentanyl) : CBP intercepted a teenage girl attempting to smuggle fentanyl across an immigration checkpoint near Tucson, AZ.
- [March 2, 2018 \(https://www.cbp.gov/newsroom/local-media-release/tucson-sector-agents-rescue-injured-man-who-fell-35-feet\)](https://www.cbp.gov/newsroom/local-media-release/tucson-sector-agents-rescue-injured-man-who-fell-35-feet) : CBP rescued an illegal alien from Mexico who had fallen 35 feet from a cliff near Tucson, AZ.

- [February 27, 2018 \(https://www.cbp.gov/newsroom/local-media-release/border-patrol-agents-rescue-4-drowning-men\)](https://www.cbp.gov/newsroom/local-media-release/border-patrol-agents-rescue-4-drowning-men) : CBP rescued three illegal aliens from drowning near Calexico, CA.
- [February 20, 2018 \(https://www.cbp.gov/newsroom/local-media-release/border-patrol-rescues-woman-drowning-new-river\)](https://www.cbp.gov/newsroom/local-media-release/border-patrol-rescues-woman-drowning-new-river) : CBP rescued a suspected illegal alien who was drowning in the New River, along the US-Mexico border.
- [February 15, 2018 \(https://www.cbp.gov/newsroom/local-media-release/comstock-border-patrol-agents-recover-body\)](https://www.cbp.gov/newsroom/local-media-release/comstock-border-patrol-agents-recover-body) : CBP discovered the body of an illegal alien who had previously been injured and most likely fell into a canyon while attempting to transit with a group of migrants.
- [February 8, 2018 \(https://www.cbp.gov/newsroom/local-media-release/border-patrol-agents-rescue-mother-and-son-after-illegal-entry-resulted\)](https://www.cbp.gov/newsroom/local-media-release/border-patrol-agents-rescue-mother-and-son-after-illegal-entry-resulted) : CBP found an injured illegal alien from Mexico and her teenaged son, in the wash near Douglas, AZ.
- [February 6, 2018 \(/redirect?url=https%3A%2F%2Fwww.iom.int%2Fnews%2Fmigrant-deaths-remain-high-despite-sharp-fall-us-mexico-border-crossings-2017\)](/redirect?url=https%3A%2F%2Fwww.iom.int%2Fnews%2Fmigrant-deaths-remain-high-despite-sharp-fall-us-mexico-border-crossings-2017) : 412 migrants died attempting to cross into the United States illegally in 2017, this number is a small increase above the 398 deaths that occurs in 2016, but is relatively high compared with year-to-year border apprehensions which fell 44 percent between 2016-2017. The report notes documentation of 1,468 immigrant deaths on the U.S.-Mexico border since 2014.
- [February 6, 2018 \(/redirect?url=https%3A%2F%2Fwww.iom.int%2Fnews%2Fmigrant-deaths-remain-high-despite-sharp-fall-us-mexico-border-crossings-2017\)](/redirect?url=https%3A%2F%2Fwww.iom.int%2Fnews%2Fmigrant-deaths-remain-high-despite-sharp-fall-us-mexico-border-crossings-2017) : 191 immigrants perished in 2017 attempting to cross into the United States over the Rio Grande River, a 26 percent increase over the 151 fatalities recorded in Texas in 2016. The cause of the increase has been attributed to increased rainfall in 2016 which caused the Rio Grande to flow faster and deeper than in past years.
- [December 18, 2017 \(https://www.cbp.gov/newsroom/local-media-release/ten-immigrants-found-dead-during-unseasonably-cold-weather-rio-grande\)](https://www.cbp.gov/newsroom/local-media-release/ten-immigrants-found-dead-during-unseasonably-cold-weather-rio-grande) : CBP agents found ten illegal aliens who had frozen to death on separate occasions.

Dangers Posed by Other Illegal Aliens Entering Via Similar Routes

- [July 13, 2018 \(https://www.ice.gov/news/releases/8-ms-13-members-indicted-dallas-charges-including-racketeering-conspiracy-attempted\)](https://www.ice.gov/news/releases/8-ms-13-members-indicted-dallas-charges-including-racketeering-conspiracy-attempted) : 8 MS-13 members indicted in Dallas on charges including racketeering conspiracy, attempted murder and assault with a dangerous weapon
- [June 29, 2018 \(https://www.cbp.gov/newsroom/local-media-release/rio-grande-valley-border-patrol-captures-gang-members-child-molesters\)](https://www.cbp.gov/newsroom/local-media-release/rio-grande-valley-border-patrol-captures-gang-members-child-molesters) : CBP arrested two illegal aliens who were convicted child molesters on separate occasions near Donna and Falfurrias, Texas.
- [June 22, 2018 \(https://www.cbp.gov/newsroom/local-media-release/cbp-officers-laredo-port-entry-48-hours-apprehend-two-travelers\)](https://www.cbp.gov/newsroom/local-media-release/cbp-officers-laredo-port-entry-48-hours-apprehend-two-travelers) : CBP officers in Laredo Texas apprehended two individuals with outstanding warrants for aggravated sexual assault and sexual assault of a child, respectively, on two separate occasions.
- [June 18, 2018 \(https://www.cbp.gov/newsroom/local-media-release/border-patrol-agents-apprehend-convicted-rapist-eagle-pass-1\)](https://www.cbp.gov/newsroom/local-media-release/border-patrol-agents-apprehend-convicted-rapist-eagle-pass-1) : CBP officers near Del Rio, Texas apprehended a Honduran national who had been convicted of aggravated sexual assault of a child, and was attempting to re-enter the country after having been previously deported.
- [June 1, 2018 \(https://www.cbp.gov/newsroom/local-media-release/rio-grande-valley-border-patrol-agents-stop-gang-members-and-sex\)](https://www.cbp.gov/newsroom/local-media-release/rio-grande-valley-border-patrol-agents-stop-gang-members-and-sex) : Within the span of three days, CBP officers in Texas arrested four criminal aliens who had prior convictions for child molestation.

Topics: [Border Security \(/topics/border-security/\)](/topics/border-security/), [Immigration and Customs Enforcement \(/topics/immigration-enforcement/\)](/topics/immigration-enforcement/)

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DETENTION AND REMOVAL OF ILLEGAL ALIENS

U.S. Immigration and Customs Enforcement (ICE)



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**Homeland
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April 14, 2006

Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the Homeland Security Act of 2002 (*Public Law 107-296*) by amendment to the Inspector General Act of 1978. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the department.

This report assesses DHS's Immigration and Customs Enforcement program for detaining and removing illegal aliens apprehended in the United States and at ports of entry. It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, and a review of applicable documents.

The recommendations herein have been developed to the best knowledge available to our office, and have been discussed in draft with those responsible for implementation. It is our hope that this report will result in more effective, efficient, and economical operations. We express our appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in cursive script that reads "Richard L. Skinner".

Richard L. Skinner
Inspector General

AR00215

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Abbreviations

ACAP	Alien Criminal Apprehension Program
BOP	Bureau of Prisons
BORCAP	Border Patrol Criminal Alien Program
BTS	Border and Transportation Security
CAP	Criminal Alien Program
CBP	Customs and Border Protection
DACS	Deportable Alien Control System
DHS	Department of Homeland Security
DOJ	Department of Justice
DRO	Office of Detention and Removal (ICE)
EOIR	Executive Office of Immigration Review
EREM	Enforce Removal Module
FTE	Full Time Equivalent
FY	Fiscal Year
GAO	Government Accountability Office
HHS	Health and Human Services
ICE	Immigration and Customs Enforcement
IEA	Immigration Enforcement Agent
IJ	Immigration Judge
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Service
IRP	Institutional Removal Program
LACJ	Los Angeles County Jail
OI	Office of Investigation (ICE)
OIG	Office of Inspector General
OTM	Other Than Mexican
SIC	Special Interest Countries
SST	State Sponsors of Terrorism
USCIS	United States Citizenship and Immigration Services

OIG

Audit Report

*Department of Homeland Security
Office of Inspector General*

Executive Summary

This report presents the results of our review of DHS's Immigration and Customs Enforcement (ICE) program for detaining and removing illegal aliens¹ apprehended in the United States and at ports of entry. The program is administered through ICE's Office of Detention and Removal (DRO). The objective of our review was to determine the extent to which DRO is performing its mission to remove all illegal aliens who are removable, including those that pose a potential national security or public safety threat to the U.S.

Currently, DRO is unable to ensure the departure from the U.S. of all removable aliens. Of the 774,112 illegal aliens apprehended during the past three years, 280,987 (36%) were released largely due to a lack of personnel, bed space, and funding needed to detain illegal aliens while their immigration status is being adjudicated. This presents significant risks due to the inability of Customs and Border Patrol (CBP) and ICE to verify the identity, country-of-origin, and terrorist or criminal affiliation of many of the aliens being released. Further, the declining personnel and bed space level is occurring when the number of illegal aliens apprehended is increasing. For example, the number of illegal aliens apprehended increased from 231,077 in FY 2002 to 275,680 in FY 2004, a 19 percent increase. However, during the same period, authorized personnel and funded bed space levels declined by 3 percent and 6 percent, respectively. These shortfalls encourage illegal immigration by increasing the likelihood that apprehended aliens will be released while their immigration status is adjudicated.

Further, historical trends indicate that 62 percent of the aliens released will eventually be issued final orders of removal by the U.S. Department of Justice Executive Office of Immigration Review (EOIR) and later fail to surrender for removal or abscond. Although DRO has received additional funding to

¹ For the purposes of this report, "illegal aliens" is a comprehensive term intended to include those foreign-born individuals who enter, reside, or work in the United States without complying with U.S. immigration law; "removable aliens" are those illegal aliens who have been adjudicated as subject to removal from the U.S.; "criminal aliens" are those illegal aliens who have been convicted of a crime in the U.S.; and "high risk aliens" includes both criminal aliens and other illegal aliens, such as those from state sponsors of terrorism or special interest countries.

enhance its Fugitive Operations Program, it is unlikely that many of the released aliens will ever be removed. As of December 30, 2005, there were more than 544,000 released aliens with final orders of removal who have absconded.

Declining bed space and personnel levels are also making it difficult for ICE/DRO to detain and remove illegal aliens that are from countries other than Mexico (OTM) including aliens from countries whose governments support state sponsored terrorism (SST) or who promote, produce, or protect terrorist organizations and their members (SIC). Of the 605,210 OTMs apprehended between FY 2001 and the first six months of FY 2005, 309,733 were released of which 45,008 (15%) purportedly originated from SST and SIC countries.

DRO estimates that in FY 2007 there will be 605,000 foreign-born individuals admitted to state correctional facilities and local jails during the year for committing crimes in the U.S. Of this number, DRO estimates half (302,500) will be removable aliens. Most of these incarcerated aliens are being released into the U.S. at the conclusion of their respective sentences because DRO does not have the resources to identify, detain, and remove these aliens under its Criminal Alien Program (CAP). It is estimated that DRO would need an additional 34,653 detention beds, at an estimated cost of \$1.1 billion, to detain and remove all SST, SIC, and CAP aliens.

Additionally, DRO's ability to detain and remove illegal aliens with final orders of removal is impacted by (1) the propensity of illegal aliens to disobey orders to appear in immigration court; (2) the penchant of released illegal aliens with final orders to abscond; (3) the practice of some countries to block or inhibit the repatriation of its citizens; and (4) two recent U.S. Supreme Court decisions which mandate the release of criminal and other high-risk aliens 180 days after the issuance of the final removal order except in "Special Circumstances." Collectively, the bed space, personnel and funding shortages coupled with the other factors, has created an unofficial "mini-amnesty" program for criminal and other high-risk aliens.

DRO's goal is to develop the capacity to remove all removable aliens, and it has developed a strategic plan covering 2003-2012 entitled "Endgame," to accomplish that goal. However, the plan identifies several significant challenges beyond its control, including the need for sufficient resources, political will, and the cooperation of foreign governments. Current resources, including those included in the FY 2006 Appropriations Act and the Administration's FY 2007 budget request, are not sufficient to detain all high-risk aliens, including those from SST and SIC countries.

We are recommending that the Assistant Secretary (ICE) develop a plan to provide ICE with the capacity to: (1) detain and remove high-risk aliens; (2)

intensify its efforts to develop alternatives to detention; and (3) resolve with the State Department issues that are preventing or impeding the repatriation of illegal OTMs. Also, we are recommending that DRO expedite its efforts to implement a data management system that is capable of meeting its expanding data collection and analysis needs relating to the detention and removal of illegal aliens. Such a system would significantly enhance DRO's ability to support future budget requests, identify emerging trends, and assess its overall mission performance.

Background

The mission of ICE's DRO is to promote public safety and national security by ensuring the departure from the United States of all removable aliens through the fair and effective enforcement of the nation's immigration laws.² This is accomplished through the detention and timely processing of all illegal aliens with final orders of removal.

Each year more than one million aliens attempt to illegally enter the United States without proper documentation - or enter legally but overstay or violate their visas.³ Although other state, local, or federal agencies are frequently involved in the identification, apprehension, and detention of illegal aliens, the primary responsibility belongs to DHS and its subordinate agencies ICE and CBP. Appendix C to this report illustrates the process from the point of apprehension through the actual removal of an illegal alien from the United States.

The shortage of detention bed space and its impact on DRO's ability to remove illegal aliens with final orders of removal were problems long before the merger of the legacy INS into DHS. As early as 1996, a Department of Justice (DOJ) OIG report cited the shortage of detention bed space as impacting DOJ's ability to deport illegal aliens with final orders of removal. Specifically, the DOJ OIG concluded that the legacy INS program for deporting illegal aliens had been largely ineffective, finding that 89 percent of the non-detained aliens released into the U.S. who were subsequently issued final orders of removal were not removed (absconded). Between 1999 and FY 2002, the U.S. Attorney General identified the lack of detention bed space as a top management issue for the DOJ.

² Illegal aliens are removable after they have been issued a final order of removal, deportation, or exclusion.

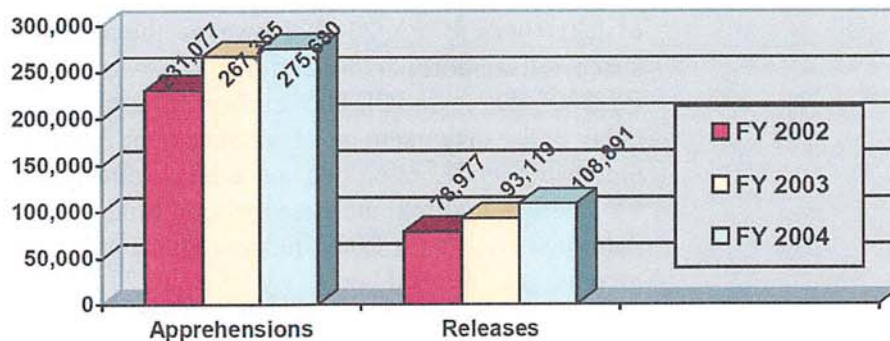
³ Source: February 2003 U.S. DOJ report titled "*The Immigration and Naturalization Service's Removal of Aliens Issued Final Orders*". Report Number I-2003-004

Results of Audit

Detention and Removal of Illegal Aliens

Bed Space and Personnel Levels Fail to Keep Pace with Increase in Alien Apprehensions. The number of illegal aliens apprehended has increased from 231,077 in FY 2002 to 275,680 in FY 2004, a 19 percent increase.⁴ During the same period, authorized DRO personnel levels decreased by 3 percent while funded bed space levels declined by 6 percent. These resource shortfalls are having a negative impact on the number of illegal aliens that are being released into the U.S. population. For example, between FY 2002 and FY 2004, the number of illegal aliens released by DRO increased from 78,977 to 108,891, a 38 percent increase. Chart 1 shows the trend in alien apprehensions and releases from FY 2002 through FY 2004.

**Chart 1 – Alien Apprehensions and Releases
(FY 2002 through FY 2004)**



Source: DRO

Table 1 shows the number of apprehensions and the number of authorized personnel and funded bed space available for DRO use between FY 2002 and FY 2004. The data shows that authorized personnel and funded bed space declined while the number of apprehensions increased.

⁴ For purposes of this review, only apprehensions that are placed as active cases under DRO for detention, case processing, or removal were considered (See Appendix A).

Table 1
Apprehensions, Authorized Personnel, and
Funded Bed Space Levels
(FY 2002 to FY 2004)

Fiscal Year	Number of New Illegal Aliens Apprehended During the Fiscal Year	DRO Authorized Personnel Levels	DRO Funded Bed Space ⁵
2002	231,077	4,203	19,081
2003	267,355	4,087	18,000
2004	275,680	4,087	18,000

Source: ICE and DRO

Bed space and personnel shortages will continue through FY 2007 despite efforts by the Administration and Congress to fund more beds and personnel. For example, the Administration's FY 2005 budget request for DRO included \$24 million to fund 534 additional detention beds and 66 personnel. Congress added \$16 million to the Administration's request for a total planned increase of 1,216 beds for FY 2005. However, the increased funding for additional bed space and support personnel did not flow to DRO until the last quarter of FY 2005 due to an ICE budget shortfall estimated at about \$500 million. The delay in the disbursement of enhancement funding prevented DRO from increasing its detention bed space levels during most of FY 2005. The FY 2006 budget will increase the total funded bed space level to 20,800.⁶ The Administration's FY 2007 budget request will, if approved by Congress, increase total funded bed space levels to 27,500, well short of the 34,653 additional detention beds needed to detain all SIC, SST, and CAP aliens that pose a potential national security or public safety risk to the U.S.

Increase in the Number of Illegal Aliens Requiring Mandatory Detention.

A sharp increase in the number of aliens requiring mandatory detention may soon limit DRO's ability to detain non-mandatory aliens who pose a potential national security or public safety risk.⁷ From October 2003 to June 2005, the percentage of detention bed space devoted to mandatory detainees increased from 63 percent to 87 percent. The increase is significant because it further

⁵ Excludes detention bed space funded by the Bureau of Prisons (BOP) and Health and Human Services (HHS).

⁶ Excludes beds funded by BOP and HHS

⁷ The aliens who are detained are referred to as mandatory detainees. According to the INA (P.L. 82-414, June 27, 1952 as amended) §236 and §236A, the government is required to detain certain illegal aliens who pose a national security risk or commit crimes in the U.S. Criminal aliens include those that have been convicted of crimes involving moral turpitude, drug smuggling, murder, and other aggravated felonies, however, some criminal aliens convicted of less serious crimes may not require mandatory detention. The government is also required to detain certain illegal aliens with final orders while awaiting removal during the 90-day removal period.

limits ICE's ability to detain high risk/high priority aliens that CBP and DRO officials believe pose a potential national security or public safety risk to the U.S.

DRO's ability to detain high-risk aliens is impacted by the mandatory detention requirements set by the Immigration and Nationality Act (INA). Further, detention guidelines issued by the former Border and Transportation Security (BTS) directorate (see Appendix D for BTS Detention Guidelines) established high, medium, and low detention priorities for all other non-mandatory categories of aliens. For example, the BTS detention guidelines do not require the mandatory detention of "High Priority" aliens despite the fact that they could exhibit specific, articulable intelligence-based factors for terrorism or national security concerns.

These guidelines also do not require the mandatory detention of aliens who are associated with ongoing criminal investigations, have committed fraud, are apprehended as part of work-enforcement arrest, are suspected alien or narcotic smugglers, or have demonstrated a marked propensity to abscond. Taken together, the high threshold for mandatory detention set by the INA and BTS guidelines, the increasing number of aliens requiring mandatory detention, and ongoing bed space and personnel shortages, are forcing DRO to release thousands of non-mandatory aliens that normally would have been detained while their immigration status was being adjudicated. Table 2 compares mandatory to non-mandatory detainees during October 2003 and June 2005.

Table 2 Comparison of Mandatory Versus Non-Mandatory Aliens Detained In October 2003 and June 2005		
	Number/Percentage of Mandatory Detainees	Number/Percentage Non- Mandatory Detainees
October 2003	12,873 - 63%	7,431 - 37%
June 2005⁸	16,021 - 87%	2,487 - 13%
Percent Change	24% Increase	67% Decrease

Source: DRO

⁸ DRO Population report dated June 15, 2005.

Detention and Release of Criminal Aliens. Of the 345,006 criminal aliens apprehended from FY 2001 through FY 2004, 27,947 (8%) were released. Whether they were released because of a lack of detention bed space or for some other reason could not be determined because such information is not tracked by ICE/DRO. What is known, however, is that the number of criminal aliens being apprehended and released has increased sharply and that 20,967 (75%) of these criminal aliens originated from countries where the notorious Mara Salvatrucha (MS-13) gang members are known to be active.⁹ Given the percentage of illegal aliens with final orders that abscond each year and given that ICE/DRO has relatively few resources to expend on the apprehension of absconders in general, it is unlikely that many of the criminal aliens apprehended and released to date will ever be removed. Table 3 provides a breakdown of the criminal aliens apprehended and released from FY 2001 through FY 2004.

Table 3 Breakdown of Criminal Aliens Apprehended and Released FY 2001 – FY 2004		
Fiscal Year	Criminal Apprehensions	Number/Percentage Criminals Released
2001	82,990	5,429 / 7%
2002	81,819	5,394 / 7%
2003	90,712	7,736 / 9%
2004	89,485	9,388 / 10%
Totals	345,006	27,947 / 8%

Source: DRO

Table 4 identifies the number of criminal aliens apprehended and released from selected countries from October 1, 2001 through September 30, 2004.

⁹ Mara Salvatrucha gang members are known to be active in Canada, El Salvador, Guatemala, Honduras, and Mexico.

Table 4 Criminal Aliens Apprehended and Released from Selected Countries From October 1, 2001 through September 30, 2004			
Country	Total Alien Apprehensions	Total Criminal Apprehensions	Total Number / % Criminal Released
Canada	4,725	2,726	1,003 / 37%
Columbia	33,540	5,121	298 / 6%
Cuba	23,893	3,969	537 / 14%
Dominican Republic	16,372	8,926	1,101 / 12%
El Salvador	58,013	9,573	556 / 6%
Guatemala	47,923	6,417	322 / 5%
Honduras	65,313	8,232	555 / 7%
Jamaica	7,734	5,734	522 / 9%
Mexico	480,563	257,718	18,531 / 7%
Nicaragua	5,227	1,281	116 / 9%
Philippines	4,792	1,990	260 / 13%
Totals	748,095	311,687	23,801 / 8%

Source: DRO

Influx of Illegal Aliens From Countries Other than Mexico. Another factor impacting DRO's ability to detain and remove aliens who could pose a national security or public safety risk is the increasing number of illegal aliens from countries other than Mexico who are being apprehended and released. For example, between FY 2001 and FY 2004, the number of OTMs apprehended increased from 114,266 to 145,367, a 27 percent increase. The increase poses a significant workload issue for DRO since OTMs, unlike apprehended Mexican aliens, cannot be turned around and returned at the border. Instead, they are often released into the U.S. population while their immigration status is adjudicated. From FY 2001 and through the first six months of FY 2005, 605,210 OTMs were apprehended, of which, 309,733 (51%) were released.

The rate in which OTMs are being apprehended and released (OTM release rate) is also a growing concern. Between FY 2001 and FY 2004, the OTM release rate increased from 42 percent to 54 percent. Further, the data shows that the OTM release rate continues to increase. During the first 6 months of FY 2005, the OTM release rate jumped from 54 percent to an unprecedented 68 percent. As a result, more OTMs than ever before are being released of which a majority will eventually receive final orders and abscond. Table 5

shows the number of OTM apprehensions and the number and percentage of OTM releases from FY 2001 through the first 6 months of FY 2005.

Table 5 OTMs Apprehended and Released (FY 2001 through March 31, 2005)			
Fiscal Year	Total OTM Apprehensions	Total OTMs Released	OTM Release Rate %
2001	114,266	47,721	42%
2002	117,916	54,511	46%
2003	140,369	69,448	49%
2004	145,367	78,566	54%
2005 (6 mo)	87,292	59,487	68%
Total	605,210	309,733	51%

Source: DRO

DRO lacks the requisite detention bed space and support personnel needed to detain OTMs apprehended along the northern and southwest borders and within the U.S. It is not clear the extent to which decisions to release OTMs are being made on a risk-based versus resource-based manner. Even if risk is considered, the high release rate could undermine the public's confidence in the department's ability to secure our northern and southern borders.

Illegal Aliens from Special Interest Countries and State Sponsors of Terrorism Countries. A significant number of OTMs that are apprehended and released each year originate from SIC and SST. From FY 2001 through the first half of FY 2005, 91,516 SIC and SST aliens were apprehended of which 45,000 (49%) were later released. It is not known exactly how many of these SIC and SST aliens were ultimately issued final orders of removal and were actually removed since such data is not tracked by DRO. However, assuming SIC and SST aliens are being removed at the same rate as other apprehended and released aliens, 85 percent of the SIC and SST aliens released who eventually receive final orders of removal will abscond. Table 6 provides a breakdown of OTMs from SIC and SST countries that were apprehended and released from FY 2001 through the first 6 months of FY 2005.

Table 6 OTMs Apprehended and Released by DRO From SIC and SST (FY 2001 thru March 31, 2005)					
Fiscal Year	SIC¹⁰ Apprehensions	SST Apprehensions	Total SIC and SST Apprehension	Total Released From SIC and SST	Percent SIC and SST Aliens Apprehended and Released
2001	9,419	6,233	15,652	7,499	48%
2002	11,962	6,574	18,536	8,807	48%
2003	24,102	8,718	32,820	19,319	59%
2004	8,078	7,717	15,795	6,099	39%
2005¹¹	3,824	4,889	8,713	3,284	38%
Total	57,385	34,131	91,516	45,008	49%

Source: DRO

Immigration officials run background checks on each apprehended alien, including SIC and SST aliens, to determine whether they have a criminal record in the U.S. or are listed in various terrorist watch lists. However, the effectiveness of these background checks is uncertain due to the difficulty that CBP and ICE have in verifying the identity, country-of-origin, terrorist or criminal affiliation of aliens in general. Therefore the release of these OTMs poses particular risks. For example, a DHS official testified that U.S. intelligence assessments indicate terrorist organizations, including those operating within SIC and SST countries, believe illegal entry into the U.S. is more advantageous than legal entry for operations reasons.¹²

Mandatory detention for the current number of OTMs entering the U.S. from SST and SIC would require an additional 1,503 detention beds based on a 90-day detention stay and would cost approximately \$50 million annually for the additional beds.¹³

¹⁰ Excludes OTM aliens apprehended from SIC countries that are also classified as state sponsors of terrorism (Iran, Libya, Sudan, Syria)

¹¹ First six months of FY 2005

¹² Statement of the former DHS Deputy Secretary on the World Wide Threat on February 16, 2005, before the U.S. Senate Select Committee on Intelligence.

¹³ On average, the detention time for illegal aliens from developing nations in regular INA 240 removal proceedings takes 89 days. Source: Testimony of Acting Director of Detention and Removal Operations before the Senate Subcommittee on Terrorism, Technology, and Homeland Security and Subcommittee on Immigration, Border Security, and Citizenship, 7 June 2005. One thousand detention beds cost approximately \$33 million per year.

DRO's ability to monitor OTMs from SIC and SST could benefit from advances in DRO's Alternatives to Detention programs, too.¹⁴ As noted in the following section, ICE's FY 2005 budget constraints postponed the distribution of \$11 million worth of enhancement funding that had been authorized by the Congress to expand the Alternatives to Detention program. The FY 2006 Appropriations Act includes a total of \$28 million for this program.

ICE Budget Shortfall in FY 2005

According to ICE, it had a budget shortfall of almost \$500 million during FY 2005.¹⁵ To compensate for the lack of funding, ICE placed strict limits on detention bed space, recruitment, training, travel, and the expansion of critical programs.¹⁶ As a result, average bed space levels fell below 2003 levels, critical vacancies were left unfilled, and the planned expansion of the fugitive operations programs were postponed.¹⁷

Additionally, ICE postponed transferring the IRP and ACAP programs from the Office of Investigations to DRO. These programs prevent the release of criminal aliens into the community through the identification, processing, and removal of criminal aliens incarcerated in federal, state, and local correctional facilities. The IRP had been criticized in past Department of Justice IG reports for not identifying and removing thousands of criminal aliens incarcerated in state, county, and local jails who are removable but who are not being removed at the conclusion of their respective sentences due to insufficient personnel resources.

In an effort to further minimize the effect of its FY 2005 budget shortfall, ICE withheld from DRO \$124 million worth of program enhancement funding provided by the Congress to increase detention bed space levels and expand DRO's Fugitive Operations and Criminal Alien Program capabilities. ICE also withheld DRO's funding to cover overhead and support costs by \$132 million. After ICE withholdings and payroll costs, DRO was left with \$610 million for general detention and removal operations. This was \$165 million less funding than DRO had spent on general detention and removal operations during FY 2004. As a result of the decreased operating budget, DRO's bed space level was well below the 19,216 detention beds intended by Congress

¹⁴ Intensive Supervision Appearance Program and Electronic Monitoring Device Program. This pilot program is exploring alternative ways of rationalizing DRO custody management resources.

¹⁵ ICE estimate as of April 2005.

¹⁶ In FY 2004, ICE had a budget shortfall of almost \$416 million (OIG-05-32, dated August 2005).

¹⁷ DRO's average daily bed space levels dropped to 18,000 during the first 8½ months of FY 2005. In comparison, DRO maintained an average daily bed space level of 18,269 during FY 2003. These numbers included only DRO directly funded beds and excludes BOP and HHS funded beds.

during FY 2005.¹⁸ Table 7 contains a comparison of DRO funding levels for FY 2003 through FY 2005.

Table 7 Comparison of DRO Funding (FY 2003 –FY 2005)			
	FY 2003 (\$000)	FY 2004 (\$000)	FY 2005¹⁹ (\$000)
DRO Funding	\$1,072	\$1,217	\$1,231
Enhancements Withheld	0	0	(124)
Overhead & Support Withheld	(97)	(141)	(132)
Payroll	(269)	(301)	(365)
Total Available for DRO Operations	\$706	\$775	\$610

Source: ICE

On May 11, 2005, the President signed into law an emergency supplemental appropriations act (P.L. 109-13) that significantly improved the ICE and DRO funding situation by providing ICE with an additional \$369 million to address its base budget shortfalls and improve its border enforcement capabilities.²⁰ Congress was aware that ICE had been unable to obligate funds for FY 2005 enhancements and initiatives due to the uncertainty of its financial condition and a pending reprogramming. Congress specified in the conference report that \$93 million (25%) of the supplemental funding is to add 1,950 detention beds; 50 new criminal investigators; and 168 immigration enforcement agents and deportation officers.²¹ Also, \$11 million and 79 FTEs are to be used to ease the effects of the hiring freeze put in place during FY 2004 and FY 2005. The conference report also directed ICE to make available an additional \$54 million from fee collections and implements the Department's March 11, 2005, request to realign \$84 million in funding to detention bed space (Custody Management) and \$73 million to DRO's Fugitive Operations and CAP Programs.

According to ICE's final budget execution plan, DRO will receive \$83 million over and above the original FY 2005 appropriation.²² Further, ICE will no longer withhold DRO's original enhancement funding of \$124 million and \$103 million in funding that was previously withheld to cover overall ICE

¹⁸ DRO had 18,000 funded beds in FY 2004 (excludes BOP and HHS funded beds). Congress provided \$40 million worth of funding for 1,216 additional detention beds in the original FY 2005 appropriation.

¹⁹ Includes DRO's original FY 2005 appropriation. Excludes supplemental funding and reflects the status of DRO funding and ICE withholdings as of June 15, 2005.

²⁰ Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005. P.L. 109-13.

²¹ H.R. Rep. No. 109-72, at 137-138.

²² As of September 16, 2005.

overhead and support funding shortages. Tables 8 and 9 outline the effect of the Emergency Supplemental on DRO in FY 2005.

Table 8 Emergency Supplemental Effects on DRO in FY 2005 (\$ in millions)			
	FY 2005 Enacted	End Result²³	Net Increase/ Decrease
Custody Management	\$504	\$666	\$162
Case Management	192	125	(67)
Fugitive Operations	35	78	43
Criminal Alien Program	34	53	19
Alternatives to Detention	14	11	(3)
Transportation & Removal	312	187	(125)
Subtotal	\$1,091	\$1,120	\$29
Breached Bond Detention Fund	70	114	44
User Fees	70	80	10
Total	\$1,231	\$1,314	\$83

Source: ICE

Table 9 Comparison of DRO FY 2005 Funding Before and After the Supplemental (\$ in millions)		
	Before the Supplemental²⁴	After the Supplemental²⁵
DRO Funding	\$1,231	\$1,314
Enhancements Withheld	(124)	(-0-)
Overhead & Support Withheld	(132)	(100)
Payroll	(365)	(369)
Total Available for DRO Operations	\$610	\$845

Source: ICE

The additional funding provided by the supplemental allowed DRO to maintain average detention bed space levels of approximately 18,500 for the remainder of FY 2005 or 581 beds less than what was authorized by Congress during FY 2002. As a result, DRO is also well short of the bed space levels

²³ Excludes \$13.6 million of supplemental funds delayed until FY 2006.

²⁴ DRO's original FY 2005 Appropriation. Excludes supplemental funding and reflects the status of DRO funding and ICE withholdings as of June 15, 2005.

²⁵ DRO's original FY 2005 Appropriation plus \$83 million in supplemental funding. It also reflects the status of DRO funding and ICE withholdings as of September 16, 2005.

needed to address the increasing workload associated with OTMs and other high risk aliens.

Expansion of the Criminal Alien Program

The difficulty that DRO is having detaining, processing, and removing illegal aliens is expected to escalate once it implements a plan to expand its CAP.²⁶ The CAP identifies and processes criminal aliens incarcerated in federal, state, and local correctional institutions and jails who have no legal right to remain in the U.S. after serving out their sentence. DRO estimates that in FY 2007 there will be 605,000 foreign-born individuals admitted to state correctional facilities and local jails during the year for committing crimes in the U.S. Of this number, DRO estimates half (302,500) will be removable aliens.²⁷ Currently, most of these incarcerated aliens are being released into the U.S. at the conclusion of their respective sentences due to the lack of DRO resources.

To date, the ICE budget provides for 261 immigration enforcement agents (IEAs) to support the CAP through FY 2006. Each IEA is expected to process 300 criminal aliens annually for a total of 78,300 criminal alien cases per year by FY 2008.²⁸ In the short-term, DRO estimates that it will need a total of 8,581 detention beds to support its efforts to detain CAP aliens over the next two years. In the long term, DRO estimates that it will need a total of 1,008 IEAs and 33,150 CAP detention beds to identify, detain, process, and remove all criminal aliens incarcerated in state and local correctional institutions and jails who are removable.²⁹

Currently, ICE does not have the detention beds or support personnel needed for the planned expansion of the CAP in its FY 2006 and FY 2007 budgets. DHS and ICE need to ensure that any planned increase in DRO's ability to identify and remove criminal aliens be accompanied by a comparable increase in support personnel, detention bed space, equipment, infrastructure, and funding to ensure the timely removal of criminal aliens from the U.S. Table 10 contains DRO's CAP caseload estimates based on IEAs to be hired,

²⁶ DRO's CAP is currently working to combine the Institutional Removal Program (IRP), the Alien Criminal Apprehension Program (ACAP), and the Border Patrol Criminal Alien Program (BORCAP) into one program. These programs are responsible for identifying and removing criminal aliens who have completed their respective sentences that are removable.

²⁷ Excludes the 25,000 criminal aliens who are expected to be arrested and incarcerated in Federal correctional facilities.

²⁸ Each IEA is expected to screen 600 incarcerated aliens per year of which 300 (50%) are expected to qualify for removal.

²⁹ At an estimated cost of \$1.1 billion (at \$33 million per 1,000 detention beds). Estimate excludes the cost of support personnel.

trained, and deployed during FY 2005 and FY 2006. Table 11 includes DRO's estimate of the number of additional detention beds it will need to accommodate the expansion of its CAP through the end of FY 2008.

Table 10 CAP Caseload Estimates FY 2006 thru FY 2007				
Fiscal Year Hired	IEAs Hired	FY2006 Caseload Estimates	FY 2007 Caseload Estimates	FY 2008 Caseload Estimates
FY 2005	161	26,565	48,300	48,300
FY 2006 ³⁰	100	6,750	27,000	30,000
Total	261	33,315	75,300	78,300

Source: DRO Estimates as of October 18, 2005

Table 11 CAP Detention Bed Space Needed FY 2006 thru FY 2008³¹			
	FY 06	FY 07	FY 08
Detention Beds Needed	3,651	8,252	8,581

Source: DRO Estimates as of October 18, 2005.

Other Factors Impacting the Repatriation of Illegal Aliens

Other factors impact DRO's ability to detain and remove illegal aliens with final orders of removal, including: (1) the failure of illegal aliens to obey orders to appear in immigration court;³² (2) the propensity of released illegal aliens with final orders to abscond; (3) the practices of some countries to block or inhibit the repatriation of its citizens; and (4) two recent decisions by the U.S. Supreme Court which mandate the release of aliens whose removal

³⁰ FY 2006 staffing of 100 IEAs is based on the FY 2006 Budget Appropriation.

³¹ Length of stay for bed space calculated at 40 days.

³² Of the 461,556 immigration judge decisions and administrative closures by the Executive Office of Immigration and Review (EOIR) between FY 2001 and FY 2004, 39 percent (181,807) were issued to aliens who had been released on bond, released on recognizance, or never detained and later failed to appear at their respective hearings.

orders could not be executed within a 180-day period without a determination that the alien meets the exceptionally stringent "Special Circumstances" requirements.³³

Failure of Illegal Aliens to Obey Orders to Appear in Immigration Court.

Each year, thousands of illegal aliens fail to respond to orders to appear at their scheduled immigration hearing. In most of these cases, the Immigration Judge (IJ) will conduct an *in absentia* (in the absence of) hearing and order the alien removed from the U.S. However, a failure to appear does not always result in an *in absentia* order. In 4 percent of the cases the IJ may also administratively close a failure to appear case without ordering the alien removed.³⁴ Of the 461,556-immigration judge decisions and administrative closures issued by the Executive Office of Immigration and Review (EOIR) between FY 2001 and FY 2004, 39 percent (181,807) were issued to illegal aliens who had been released but later failed to appear at their respective immigration hearings.³⁵ Table 12 shows a comparison of the failures to appear rates for released aliens between FY 2001 and FY 2004.

Table 12 Comparison of Failure to Appear Rates for Released Aliens (FY 2001-FY 2004)				
Fiscal Year	IJ Decisions/ Administrative Closures	Failures to Appear	Percentage Of Total	Annual Percent Increase
2001	96,703	42,030	43%	-0-
2002	106,068	43,873	41%	4.3%
2003	124,601	43,014	35%	1.9%
2004	134,184	52,890	39%	22.9%
Total	461,556	181,807	39%	-----

Source: U.S. Department of Justice

Although the percentage of released aliens who failed to appear at their respective hearings has declined in recent years, the total number of aliens failing to appear is increasing. During FY 2001, 42,030 aliens failed to appear

³³ According to 8 CFR 241.14, Special Circumstances aliens are those individuals: (1) that have a highly contagious disease that threatens public safety; (2) whose release would have adverse foreign policy implications; (3) present a significant threat to national security; or (4) are violent criminals with a mental disorder.

³⁴ Between FY 2000 and FY 2004, administrative closures comprised 4 percent of the 935,119 Immigration Judge decisions issued.

³⁵ Includes individuals who have not been in physical custody of DHS or the Department of Justice Institutional hearing Program. It also includes aliens who were detained at some point during proceedings and subsequently released on bond or personal recognizance.

compared to 52,890 who failed to appear during FY 2004, a 26 percent increase.

Propensity of Illegal Aliens With Final Orders to Abscond. Based on past history, the vast majority of illegal aliens who are released that are later issued final orders of removal by the EOIR will abscond. This is because DRO lacks the trained personnel, infrastructure, and funding needed to detain all apprehended aliens while their immigration status is being adjudicated. For example, DRO statistics indicate that 73 percent of the immigration cases for released illegal aliens brought before the immigration judge resulted in the issuance of final orders of removal. According to DRO, 85 percent of the illegal aliens released that have been issued final orders of removal, will abscond. Between FY 2002 and FY 2004, 280,987 illegal aliens were released of which 174,212 are likely to abscond based on past statistics. As of December 30, 2005, there were more than 544,000 absconders in the U.S.³⁶

Countries Blocking or Inhibiting Repatriation of Illegal Aliens. Thousands of criminal aliens with final orders are released because of the unwillingness of some countries to issue travel documents necessary for repatriation.³⁷ These countries employ a variety of means to delay the removal process. For example, Ethiopia will only issue travel documents to persons who prove that their parents were born in Ethiopia, provide proof of birth in Ethiopia, are able to speak the language, and prove that they have family still residing in Ethiopia today. Eritrea will not grant the requisite travel documents to any individual who was not issued a "blue identity card" or a passport that was obtained after Eritrea gained its independence from Ethiopia in 1991.

Other methods for blocking repatriation include:

- requiring illegal aliens to produce overwhelming documentary evidence of their nationality (Iran);
- imposing a slow and problematic travel document issuance process (Iran, China, Jamaica, India);
- limiting the number of travel interviews being conducted (Ethiopia);
- refusing to repatriate nationals (Laos and Vietnam).

As a result of these barriers to removal, DRO is being forced to devote a significant percentage of its funded detention bed space (14%) to illegal aliens whose countries are either slow and/or unwilling to issue travel documents needed for removal. During FY 2003, the detention of criminal/non-criminal aliens from the top eight uncooperative countries that block or inhibit repatriation consumed 981,202 detention days and \$83 million.³⁸ Table 13

³⁶ Includes officially designated absconders, unexecuted orders estimated to be absconders but not officially designated as such, and unconfirmed voluntary departures.

³⁷ These countries include Ethiopia, Eritrea, China, India, Iran, Jamaica, Laos. And Vietnam,

³⁸ The equivalent of 2,688 detention beds or 14 percent of the 19,444 funded bed space authorized during FY 2003.

contains a breakdown of FY 2003 detention days and estimated resources devoted to illegal aliens from eight countries that block or inhibit the repatriation of illegal aliens issued final orders of removal.

Table 13
Breakdown of FY 2003 Detention Days and Estimated Resources Devoted to Aliens
From Eight Countries That Block or Inhibit Repatriation

Eight Countries	Detention Days FY 2003	Estimated Annual Cost @ (\$85/day)
Vietnam	137,280	\$11,668,800
Jamaica	241,114	\$20,494,690
Iran	42,884	\$ 3,641,740
India	99,482	\$ 8,455,970
Ethiopia	34,761	\$ 2,954,685
Eritrea	6,401	\$ 544,085
China	366,540	\$31,155,900
Laos	52,740	\$ 4,482,900
Total	981,202	\$83,398,770

Source: DRO

The difficulty that DRO is experiencing removing illegal aliens with final orders has, in effect, created a mini-amnesty program for tens of thousands of illegal aliens that are subject to removal from the U.S. It also encourages individuals from non-cooperating countries such as China, India, and Iran to make attempts to enter the U.S. illegally. As of June 2004, more than 133,662 illegal aliens with or pending final orders of removal had been apprehended and released into the U.S. and who are unlikely to ever be repatriated if ordered removed because of the unwillingness of their country of origin to provide the documents necessary for repatriation. Table 14 contains a breakdown of the detained/non-detained aliens from eight countries that block or inhibit the repatriation of its citizens from the U.S.

Table 14
Breakdown in the Number of Illegal Aliens From Countries That Block or Inhibit
Repatriation (As of June 29, 2004)

Eight Countries	Detained Criminal/Non-Criminal	Non-Detained Criminal/Non-Criminal	Total
Vietnam	352	5,807	6,159
Jamaica	715	11,568	12,283
Iran	105	7,039	7,144
India	253	28,540	28,793
Ethiopia	108	4,454	4,562
Eritrea	21	637	658
China	885	72,315	73,200
Laos	140	3,302	3,442
Total	2,579	133,662	136,241

Source: DRO

Impact of the U.S. Supreme Court Decisions. Two U.S. Supreme Court decisions - *Zadvydas v. Davis* 533 U.S. 678 (2001), and *Clark v. Martinez*, 543 U.S. 371 (2005), mandate the release of criminal and other high-risk aliens 180 days after the issuance of the final removal order, if their repatriation to their country of origin is not likely to occur in the reasonably foreseeable future except in "Special Circumstances." Exactly how many criminal and other high-risk aliens have been released as a result of the *Zadvydas* and *Martinez* decisions is not known since DRO did not begin tracking these releases until FY 2005.³⁹

Availability of Critical Data to Monitor DRO Performance

The Office of Detention and Removal's Deportable Alien Control System lacks the ability to readily provide DRO management with data analysis capabilities to manage the detention and removal program in an efficient and effective manner. The lack of reliable program and analysis capabilities could detrimentally affect DRO's ability to identify emerging trends, and to assess its resource requirements.

The Deportable Alien Control System (DACS), a 20-year old mainframe system, was placed into operation by legacy INS in 1984 and continues to be used by DRO to track docket control functions associated with the apprehension, detention, and deportation of illegal aliens. However, DACS does not contain or is not capable of readily furnishing key information for

³⁹ DRO has reported that 696 illegal aliens were released into the U.S. during the first 6 months of FY 2005 as a result of these two Supreme Court decisions.

reliable assessments of the detention and removal program. For example, DACS cannot provide statistical data related to (1) the number of aliens categorized as mandatory, high, medium, or low priority as specified in current detention guidelines; (2) the number of aliens who failed to show for immigration hearings; (3) the source of apprehension, i.e. Border Patrol, Investigations; and (4) the number released into the U.S population due to a lack of resources. Because the aging mainframe system has limited query capabilities, it cannot readily provide statistical detention and removal information, such as the number of aliens apprehended by year, their detention and release status, and their country of origin. Although this information is stored in DACS, in order to provide the requested data DRO had to rely on special programs written by DRO personnel or contractors to download, compile, manipulate, and analyze information stored in the system.

Furthermore, information stored in DACS is not always accurate and up to date. According to DRO, data quality problems are largely the result of: repetitive data entry functions, incomplete data entry, delays in the actual entry of detention and removal data, and the ability of DRO staff to delete or edit historical information stored in the DACS system. Although we did not independently assess the controls in place to ensure the reliability of data maintained in DACS, GAO and the legacy INS Office of Internal Audit (OIA) reported significant problems with DACS data reliability,⁴⁰ including:

- no assurance that all aliens in the removal process are entered into DACS;
- final alien removal actions were not always recorded in DACS;
- inadequate controls to ensure timely data entry;
- insufficient training for DACS users; and
- lack of written standards to ensure the quality of the data entered into DACS.

Recognizing the shortcomings of DACS, in FY 2001, DRO undertook an effort to improve its data collection and analytical capability. The Enforce Removal Module project (EREM) as it is called, is intended to replace DACS with an automated data collection and analysis system capable of providing more timely, accurate and complete analysis of immigration-related data including the ability to monitor all actions and decisions relating to individual alien cases and provide DRO with the statistical information it needs to optimize its operations.

⁴⁰ Source: February 2003 U.S. DOJ report titled *"The Immigration and Naturalization Service's Removal of Aliens Issued Final Orders"*. Report Number I-2003-004.

Implementation of the EREM project has been delayed due to system performance and compatibility problems. As a result of these problems, DRO allowed the existing developer contract to lapse in April 2004, accepted new contract bids, and awarded a new contract to a different developer in September 2004. However, due to the time required to obtain security clearances for its personnel, the new developer was not able to begin work until late December 2004. To date, DRO has invested more than \$15 million into the EREM project with little to show for its effort. Further, DRO could not predict when the EREM project will be fully implemented or at what additional cost.

GAO Standards for Internal Control in the Federal Government and the Government Performance Results Act of 1993 require that agencies ensure the integrity of information for use by management in controlling operations and making decisions and that each agency be able to assess the level of success in achieving set performance goals, respectively.

In order to allow management sufficient oversight over the detention and removal program, DRO should expedite its efforts to develop, test, and implement a data management system that is capable of meeting DRO's data collection and analysis requirements. The data management system, at a minimum, should be able to provide the following immigration-related data with improved data quality for each illegal alien:

- country of origin;
- date apprehended, released, or removed;
- detention location;
- information detailing the results of the risk assessments for illegal aliens detained and released (by risk category –high-medium-low priority);
- the type and category of crime(s) committed (for criminal aliens);
- the rationale underlying DRO's decision to release an alien from detention (if applicable);
- the rationale underlying DRO's decision not to detain individual aliens;
- the date when individual final orders of removal were issued; and
- the date when the final order of removal was executed.

The data management system should also be able to provide the following information regarding the entire population of illegal aliens in DRO custody on a monthly and annual basis:

- bed space turnover rate for mandatory and non-mandatory detainees;
- the number/percentage of detainees that were detained from apprehension to removal; and
- the number of mandatory and non-mandatory aliens apprehended and detained.

The use of an improved information technology system, coupled with quality controls, would greatly enhance DRO's ability to support resource requirements, identify emerging trends, and assess the success of its overall mission.

DRO's Strategic Plan

In June 2003, DRO released its 2003-2012 Strategic Plan, entitled "Endgame," establishing a goal of developing within 10 years the capacity to remove all removable aliens. The plan includes specific objectives for optimizing the means for detaining illegal aliens, including:

- Ensuring sufficient and appropriate bed space is available based on detention category, characteristic, and condition of release;
- Enhancing partnerships with other federal detention agencies for better use of their resources, to include facilities and training; and
- Developing a National Custody Management Plan promoting the effective utilization of available bed space and alternative detention settings.

However, the plan identified several significant challenges, many beyond DHS' control, including the number of aliens to remove, limited resources, political will, foreign governments, and non-removable aliens. For these reasons, DHS needs to intensify its efforts to provide ICE with the resources and interagency support needed to overcome these challenges.

Conclusions and Recommendations

DRO has developed a comprehensive plan to detain and remove illegal aliens, but its success depends on sufficient resources and other factors beyond its control. Congress has appropriated funds to advance the plan, but those funds still fall far short of the amount needed to detain and remove all high-risk aliens. Further, DRO lacks the analytical capability to manage the program effectively. Additional actions are needed to mitigate the risks created by these circumstances.

We recommend that the Assistant Secretary, ICE:

Recommendation #1: Develop a detailed plan to ensure that ICE has the capacity to detain, process, and remove aliens that pose a potential national security or public safety risk to the U.S., including SIC, SST, and CAP aliens. The plan should include personnel, training, equipment, infrastructure and funding requirements.

Recommendation #2: Intensify efforts to obtain the resources needed to expedite the development of alternatives to detention to minimize required detention bed space levels.

Recommendation #3: In collaboration with the Department of State, develop a detailed plan to resolve travel document and related issues that are preventing or impeding ICE's ability to repatriate OTM aliens. The plan should include timelines, milestone dates, the identity of personnel and organizations responsible for creating and implementing the plan, and any funding requirements.

Recommendation #4: Expedite efforts to develop and implement a data management system that is capable of meeting its expanding data collection and analyses needs relating to the detention and removal of illegal aliens. The plan should include timelines, milestone dates, equipment and infrastructure requirements, a bi-annual reporting requirement outlining the progress being made on the project, the identity of the organizational entities to be responsible for implementing the planned upgrade, and any short and long-term funding requirements.

Management Comments and OIG Analysis

We issued a draft version of the report to the Department on December 28, 2005. The Department provided its written response on February 21, 2006. (See appendix F.) These comments were extremely useful and were incorporated into the final report, as appropriate. The final report is based on the analysis of information provided to us through March 13, 2006.

We are pleased to learn of the Department's commitment to provide ICE with resources it desperately needs to detain, process, and remove aliens that pose a potential national security or public safety risk to the U.S. This commitment is demonstrated by the Department's concurrence with recommendations 1, 3, and 4, and its partial concurrence with recommendation 2. However, we are concerned that the Department's response does not specifically outline the steps it will take to implement these recommendations, the resources that will be directed at these efforts, and the timeline for their completion. Our comments are as follows.

Recommendation 1: Develop a detailed plan to provide ICE with the capacity to detain, process, and remove aliens that pose a potential national security or public safety risk to the U.S., including SIC, SST, and CAP aliens. The plan should include personnel, training, equipment, infrastructure and funding requirements.

DHS Comments: The Department concurred with the recommendation. Under the Department's Secure Border Initiative (SBI) program, DRO is doing precisely that. DRO, as part of the SBI process, has made progress in creating models to determine bed space needs, staffing requirements, infrastructure, removal requirements and funding requirements based on expectant arrest numbers as provided by the initiating agency. It is also engaging with other federal law enforcement agencies such as the Bureau of Prisons (BOP), U.S. Citizenship and Immigration Services (USCIS), the Department of State, and the Department of Justice to jointly develop a more efficient complex detention and removal system.

OIG Comments: The OIG is pleased that DRO is making progress to better identify its requirements and the recommendation is considered resolved. However, the intent of our recommendation is not completely addressed in the response. Specifically, the response does not include specific actions the Department will take to provide ICE with the personnel, training, equipment, infrastructure, and funding needed to provide ICE with the capacity to detain, process, and remove aliens that pose a potential national security or public safety risk to the U.S. The recommendation will remain open until the Department provides the specific actions it plans to take to address the recommendation.

Recommendation 2: Intensify efforts to provide ICE with the resources needed to expedite the development of alternatives to detention to minimize required detention bed space levels.

DHS Comments: The Department partially concurred with the recommendation. Currently, ICE employs alternative means of release (the preferred term vice “alternatives to detention”), such as the Intensive Supervision Appearance Program (ISAP) and the Electronic Monitoring Device (EMD) Program. DRO is still evaluating these pilot programs. Once evaluation is complete, decisions will be made about further expansion.

OIG Comments: We understand the need to evaluate the ongoing pilot programs and examine the results before deciding whether to expand these efforts and/or embark on other alternative programs. Nevertheless, we remain concerned about the degree to which these pilots have been funded in the past as well as the timeliness of these efforts. The ISAP Program has been ongoing since June 2004. The EMD pilot, on the other hand, dates back to May 2003. We look forward to learning the results of these pilots and the Department’s plans to move forward in the development of cost-effective alternatives to detention. This recommendation is considered resolved but will remain open until the Department provides its plan for using alternative means of release.

Recommendation 3: In collaboration with the Department of State, develop a detailed plan to resolve travel document and related issues that are preventing or impeding ICE’s ability to repatriate OTM aliens. The plan should include timelines, milestone dates, the identity of personnel and organizations responsible for creating and implementing the plan, and any funding requirements.

DHS Comments: The Department concurred with the recommendation. Under the Department’s SBI program, DRO is working closely with the Department of State (DOS) to address travel document and related issues preventing or impeding the repatriation of illegal OTM aliens. Great strides have been made in this area with Central and South American countries. The initiation of video teleconferencing, dedicated consulate staffs as well as soon to be implemented electronic travel documents have greatly decreased the time needed for the issuance of a travel document.

Additionally, DRO participates in a Sanctions Working Group, which includes representatives from ICE, DOS, the National Security Council, and Homeland Security Council. This group’s focus on Jamaica resulted in the resolution of issues associated with that country’s issuance of travel documents, and the Government of Jamaica now issues travel documents within acceptable timeframes. Current efforts are now focused on Ethiopia, with visa sanctions as a distinct possibility if no increased cooperation is seen in the near future.

OIG Comments: We are pleased to learn of the progress being made by the Department to resolve longstanding travel document issues, which have resulted in the release of many OTM aliens into the U.S. However, these efforts have yet to fully address the potential national security and public safety risks associated with the Department's inability to remove tens of thousands of illegal aliens from China, Iran, and India from the U.S. due to travel document-related issues. Many of these are criminal aliens who have been issued final orders of removal but have not been removed due to the inability of authorities to obtain the necessary travel documents. We believe the Department needs to develop and implement a plan of action to resolve the travel document issues and to ensure that detention personnel and bed space are used effectively and to expedite the removal of criminal aliens and other high-risk aliens. Therefore, the recommendation is considered resolved but will remain open until the Department develops and implements the plan of action.

Recommendation 4: Expedite efforts to develop and implement a data management system that is capable of meeting its expanding data collection and analyses needs relating to the detention and removal of illegal aliens. The plan should include timelines, milestone dates, equipment and infrastructure requirements, a bi-annual reporting requirement outlining the progress being made on the project, the identity of the organizational entities to be responsible for implementing the planned upgrade, and any short and long-term funding requirements.

DHS Comments: The Department concurred with the recommendation. The ICE Office of Chief Information Officer (OCIO) is preparing a project plan for DRO that reflects efforts to expedite the development and deployment of enhanced information technology (IT) solutions capable of meeting the expanding data collection and analysis needed relating to the detention and removal of illegal aliens. The new system will allow users to capture, search, and review information in important functional areas.

OIG Response: We are pleased to learn of ICE's plan to develop an automated data management system that will be capable of meeting its expanding data collection and analysis needs relating to the detention and removal of illegal aliens. The current system is more than 20 years old and either does not contain or does not easily provide key information needed for reliable assessments of ICE's detention and removal program. Further, we remain concerned that previous efforts by ICE to develop such a system were largely unsuccessful despite 5 years of effort and the expenditure of at least \$15 million. If properly designed, the system should significantly enhance ICE's ability to support future budget requests, identify emerging trends, and assess its overall mission performance. We are hopeful that the latest effort

will be more successful and look forward to seeing ICE's plan for making it happen. This recommendation is resolved but will remain open until the ICE project plan is approved.

Other Comments

The Department/ICE proposed a number of technical comments in response to the draft report. We have worked closely with the Department to address their concerns and revised the report where necessary.

The Department/ICE stated on page 2 of their comments that there appears to be a lack of differentiation between an alien's pre- and post-order status as it relates to the release statistics throughout the report, and stated that mixing the discussion and analysis of pre- and post-order status throughout the report may lead to the reader's confusion. We have discussed this issue with DRO officials. Based on these discussions, we have determined that this issue has no impact on our findings or conclusions and would represent only an insignificant change to the data presented in Chart 1, Tables 3 through 6, and Table 15.

The Department/ICE stated on page 3 of their comments that the release rates used in our report may be slightly inflated, as they would include release premised on factors outside the control of DRO. As stated in the Department/ICE comments, every effort was made to take these numbers out of the statistics. We agree with the Department/ICE position that the statistics could be slightly inflated and that the release numbers might be fewer than quoted. However, we do not believe that any differences in the release statistics affect the overall conclusions and recommendations in this report. To minimize reader confusion and identify the limitations of the statistics in this report, we have included a detailed explanation in Appendix B regarding the reasons and circumstances that cause aliens both pre- and post-final order to be released.

Appendix A

Types of Apprehensions

There are numerous types of apprehensions made by a number of different sources within DHS. Not all apprehensions require DRO intervention in terms of detention, case management, or removal services. The apprehensions that do require DRO services are referred to in this report as active cases under DRO for detention (if resources available), case processing, and removal (if ordered removed). All apprehension statistics in this report include only those placed as active cases under DRO. The various types of apprehensions and their consideration in this report are as follows:

- *Aliens apprehended by ICE in the United States in violation of the INA due to unlawful presence in the United States.* Most of these apprehensions would be processed for an immigration hearing before an immigration judge and either placed in detention or released into the U.S. population on bond or own recognizance. These are placed as active cases under DRO and are included in the apprehension statistics for purposes of this report.
- *Aliens apprehended by Border Patrol between the ports of entry for entry without inspection.* Most of these aliens (primarily Mexicans) will voluntarily return (depart) under safeguard back to their country. A voluntary return under safeguard is an administrative removal at the request of the alien. No formal immigration hearing before an immigration judge is required. Other than sometimes providing transportation services to the border, voluntary returns are not placed as active cases under DRO and are therefore excluded from the apprehension statistics for purposes of this report. If the alien does not voluntarily return, then the alien is processed for an immigration hearing before an immigration judge and either placed in detention or released into the U.S. population on bond or own recognizance. Those that do not voluntarily return are placed as active cases under DRO and are included in the apprehension statistics for purposes of this report.
- *Aliens apprehended by CBP Officers at ports of entry.* Most of these aliens are immediately removed by CBP Officers without any intervention by DRO. These are placed as active cases under DRO and are excluded from the apprehension statistics for purposes of this report. If for any reason the alien is placed into removal proceedings, then the alien is placed as an active case under DRO and is included in the apprehension statistics for purposes of this report. Two examples are if the alien claims

Appendix A
Types of Apprehensions

Legal status or if the alien claims asylum, but the claim is denied or otherwise referred for an asylum hearing.

- *Aliens apprehended that are incarcerated.* The federal or state institution detains the alien while the criminal sentence is served, but DRO provides actual case processing and removal services. These are placed as active cases under DRO and are included in the apprehension statistics for purposes of this report.
- *Aliens denied asylum or referred for an asylum hearing after filing a claim with DHS Citizenship and Immigration Services (USCIS).* These are placed as active cases under DRO and are included in the apprehension statistics for purposes of this report.

Appendix B

Apprehensions Released

Apprehended individuals are released into the U.S. population in a number of ways. An individual can be released into the population at the time of initial apprehension. An individual can be detained by DRO either at time of apprehension or at a later date and subsequently released into the population on bond, on own recognizance, on orders of supervision, or on parole. The release could occur while the individual's immigration status is being adjudicated or after receiving a final order of removal.

For purposes of this review, the release statistics in this report in Chart 1 and Tables 3 through 6 only include those individuals that were released at time of initial apprehension and had not been detained by DRO as of November 2004 for the FY 2001 through FY 2004 apprehensions or April 2005 for FY 2005 apprehensions (first six months). Many of these individuals were released into the U.S. population. Some were not released into the U.S. population because they were immediately issued an administrative or reinstated removal order and removed from the U.S. shortly following apprehension without the need for DRO detention.

DRO could not quantify how many individuals were removed under these circumstances. To the extent possible, individuals not actually released into the U.S. population were excluded from the release statistics. Specifically, expedited removals, voluntary returns, IRP removals, and incarcerated aliens were excluded from the release statistics because while these individuals were not detained by DRO they also were not released into the U.S. population.

Further, DRO could not identify releases into the U.S. population due to a lack of resources because such information is not tracked. While many were released into the U.S. population due to resource shortages, some were released into the U.S. population because the individual did not appear to pose a flight, public safety, or national security risk.

For purposes of this review, the release statistics in Chart 1 and Tables 3 through 6 do not include individuals that DRO detained at time of apprehension or at a later date and subsequently released into U.S. population on bond, own recognizance, order of supervision, or parole. Some of these releases into the U.S. population are due to resource shortages, but there are several other possible reasons for the release from detention.

According to DRO, releases from detention on parole are not likely to be due to resources at all, but rather for humanitarian or some other compelling

Appendix B

Apprehensions Released

reason. Some of the primary non-resource driven reasons that DRO releases individuals from detention on bond, own recognizance, or order of supervision are as follows:

- Immigration judges ordered the individuals released from detention.
- The INA and Supreme Court decisions mandate that DRO release most aliens if not removed within a specified period following issuance of a final order of removal.
- In the professional judgment of DRO, the alien does not pose a flight or known safety risk to the public.

Because DRO does not track the specific reason an individual is released from detention, it is not possible to determine exactly how many of the releases on bond, own recognizance, or order of supervision, were due to a lack of detention resources. Therefore, these types of releases are excluded from Chart 1 and Tables 3 through 6 even though some are likely due to detention resource limitations. Table 15 contains the number of releases for individuals detained at time of apprehension that were later released on bond, own recognizance, or under an order of supervision from FY 2001 through FY 2004.

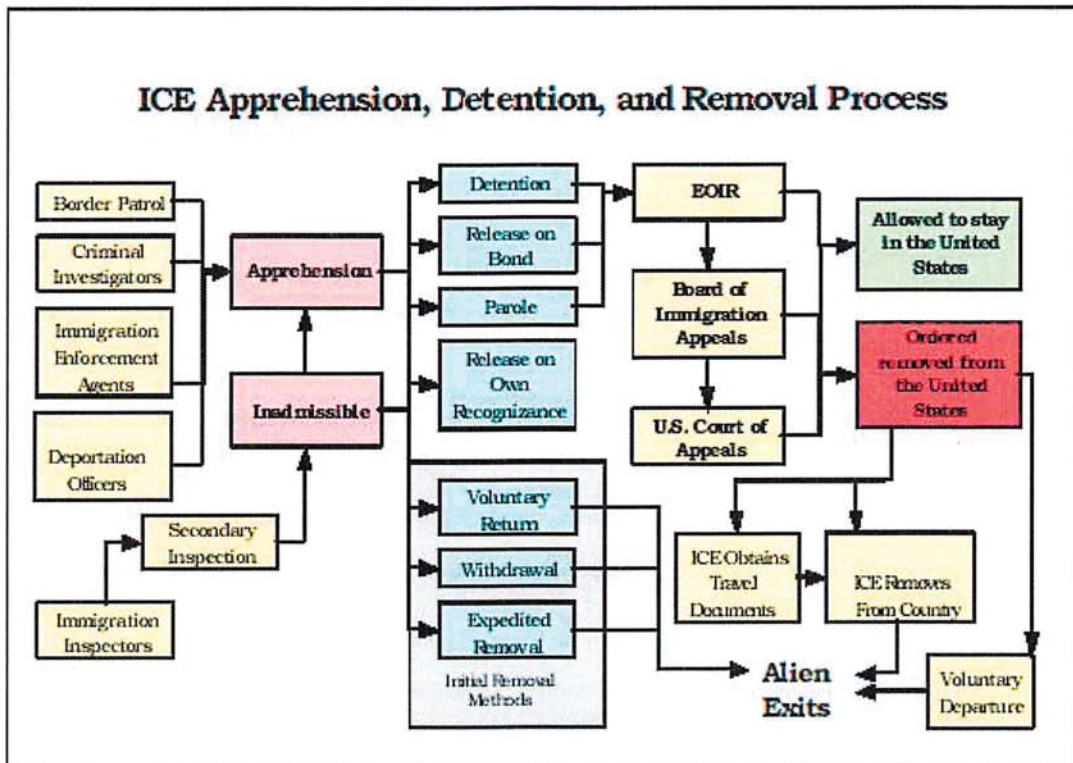
Table 15 Aliens Apprehended, Detained and Later Released On Bond, Own Recognizance (OR), and Order of Supervision (OS) (FY 2001 –FY 2004)			
	Apprehensions	Detained and Released On Bond, OR, and OS	Percentage Released On Bond, OR, and OS
Total Apprehensions	998,481	80,594	8%
OTM Apprehensions	517,918	65,159	13%
Criminal Apprehensions	345,006	15,483	4%
Criminal Apprehensions from select countries listed in Table 4	311,687	10,060	3%
SIC and SST Apprehensions	82,803	10,420	13%

Source: DRO

If DRO tracked the number of individuals released into the U.S. population, including those specifically due to resources or other factors, then DRO could more precisely quantify problem areas and the impact on the effectiveness of DRO operations.

Appendix C

ICE Apprehension, Detention, and Removal Process



Source: INS Detention and Removal Program, Critical Influences on INS Detention, May 2001, page 4, and DHS-OIG Analysis

Appendix D
BTS Detention Prioritization and Requirements Memorandum

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

OCT 18 2004

MEMORANDUM TO: Robert C. Bonner
Commissioner
U.S. Customs and Border Protection

Michael J. Garcia
Assistant Secretary
U.S. Immigration and Customs Enforcement

FROM: Asa Hutchinson 
Under Secretary for Border and Transportation Security

RE: Detention Prioritization and Notice to Appear Documentary
Requirements

This memorandum provides priorities for the detention of aliens and outlines documentary requirements that must be met when transferring custody of aliens to Immigration and Customs Enforcement (ICE), Office of Detention and Removal Operations (DRO). The guidance in this memo supercedes all outstanding guidance regarding priorities for the detention of aliens within Border and Transportation Security (BTS). All BTS personnel must adhere to legal authorities and the procedures set forth below in making decisions regarding whether to detain an alien.¹

I. Detention Priorities

The following guidelines provide priority categories for the detention of aliens subject to detention. An alien being considered for detention should be placed in the highest numbered priority within the top category possible (i.e., an alien found to have a credible fear of persecution with an aggravated felony conviction would still meet the requirements of Mandatory, #2). In the case of mandatory detention, the Director of ICE DRO is to heed the guidelines strictly. In all other cases, the DRO Director retains the discretionary authority with respect to allocation of bed space and other detention-related resources. In all cases, the DRO Director is to heed these guidelines to the greatest extent possible when determining detention priorities.

¹ This policy does not supercede any requirement to release an alien under *Zadvydas v. Davis*, 533 U.S. 678 (2001) and implementing guidance in 8 CFR §§ 241.4, 241.13 and § 241.14 nor does it apply to unaccompanied juveniles.

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Appendix D

BTS Detention Prioritization and Requirements Memorandum

All such aliens must be detained unless they fall within one of the exceptions to mandatory detention. There are no priority designations among categories of cases subject to mandatory detention. Questions as to whether a given alien falls under one of these categories and must be detained should be directed to local legal counsel.

Mandatory

- Aliens subject to mandatory detention under INA 236A²
- Aliens in expedited removal (INA § 235) with limited exceptions³
- Aliens subject to mandatory detention in removal and deportation proceedings under INA 236(c)⁴
- Aliens who have final orders of removal subject to mandatory detention under INA 241(a)(2), whether ordered removed pursuant to INA 238 or 240 proceedings⁵

High Priority

1. National Security Interest aliens including aliens who are subject to an ongoing national security investigation or who, by virtue of specific information or intelligence specific to the alien in question raise a national security concern, as identified either by 1) the Joint Terrorism Task Force, 2) Immigration and Customs Enforcement, or 3) by U.S. Customs and Border Protection (CBP).⁶
2. Continued detention of aliens with final administrative orders past 180 days on account of special circumstances (i.e. 8 CFR 241.14).
3. Aliens who have been issued final removal orders over 90-days old, where removal is foreseeable.
4. Aliens who present an articulable danger to the community (claimant agency must be able to articulate the danger)
5. Aliens who exhibit specific, articulable intelligence-based risk factors for terrorism or national security concern not solely based on the alien's race, ethnicity, nationality or religion (as identified by either 1) the Joint Terrorism Task Force, 2) Immigration and Customs Enforcement, or 3) by U.S. Customs and Border Protection.
6. Aliens associated with ongoing significant criminal investigations;

² Prior approval of the ICE National Security Unit and the ICE Office of the Principal Legal Advisor is required before charges may be brought under either INA § 212(a)(3) or INA § 237(a)(4).

³ Not all aliens in expedited removal proceedings are subject to mandatory detention, however. See, for example 8 CFR § 235.3(b)(2)(iii), 235.3(b)(4)(ii), and 235.3(b)(5)(i) allowing for parole in limited circumstances of medical emergency, or where necessary for a legitimate law enforcement objective.

⁴ Note that INA 236(c)(2) authorizes release to provide for protection of a witness, etc., where the alien does not pose a danger to the safety of others or to property and is likely to appear for any scheduled proceedings.

⁵ This includes aliens ordered removed under INA 240 and criminal aliens ordered removed under INA 238. These aliens may not be released under any circumstances during the 90-day removal period set forth in INA 241(a)(2). Following the 90-day period, the continued detention of such aliens should be determined pursuant to criteria in *Zadvydas, supra* and implementing guidance in 8 CFR §§ 241.4, 241.13, and 241.14.

⁶ ICE and CBP shall track all cases where the two bureaus disagree on whether a particular alien poses a national security threat. CBP and ICE shall review these cases on a quarterly basis.

Appendix D

BTS Detention Prioritization and Requirements Memorandum

7. Remaining criminal aliens not subject to 236(c) ;
8. Aliens whose detention is essential to national border enforcement initiatives;

Medium Priority

1. Suspected alien and narcotics smugglers
2. Aliens who committed fraud
3. Inadmissible, non-criminal aliens (other than expedited removal cases)

Lower Priority

1. Worksite enforcement arrests
2. Final orders (beyond 179 days-not likely to remove)
3. Aliens placed in expedited removal found to have a credible fear and referred for full 240 proceedings.
4. Other aliens not subject to required detention

II. Documentary requirements.

Each component must ensure apprehended aliens are processed efficiently and placed in the appropriate and most expedient removal process. (e.g. stipulated, reinstatement, administrative, expedited) At a minimum, the following documents must be completed by the apprehending entity and presented to DRO to ensure each case moves swiftly through the removal process:

- Original charging documents;
- Completed Form I-213 (Record of Deportable/Inadmissible Alien) or approved equivalent;
- 2 completed Forms FD-249 (fingerprint cards);
- R-84 Form with prints and biographical information completed;
- Print out of results, including negative responses, of name search in IBIS "SQ11" function.
- IAFIS printout relating to criminal history; if IAFIS is not available, print out of results, including negative responses, based on name search in either NCIC or NLETS.
- Record of Fingerprint Identification Number (FIN) generated by the Automated Biometric Identification System (IDENT);
- 4 photographs;
- Completed Form I-217 (Information for Travel Document or Passport if required);
- Documentation of Consular Notification;
- Certified conviction records, when applicable. In the event that conviction records are not immediately available, the arresting officer must provide written notification to the file that a Certified Copy of the Conviction Document has been requested, and include in the administrative file the following information: the exact date and jurisdiction where the alien was convicted, the name and telephone number of the referring officer and the supervisor, the name and contact

Appendix D

BTS Detention Prioritization and Requirements Memorandum

information of the agency official responsible for procuring the conviction record. Furthermore, the arresting agency must produce the actual conviction record within 30 days of issuance of the NTA;⁷

- Documentation reflecting that appropriate record checks (Central Index System (CIS), Non-Immigrant Information System (NIIS), National Crime Information Center (NCIC), IDENT, Interagency Border Inspection System (IBIS), etc.) have been completed;
- Completed Form I-203 or I-203A [Order to Detain or Release Alien(s)] bearing the appropriate official's signature must accompany each detainee presented for detention;
- Notice of Custody Determination (Form I-286), indicating date and time custody decision was made and probable charges against alien;
- And any other relevant documents pertaining to the detainee.

To ensure maximum efficiency in the use of the Department's finite detention bed resources, it is imperative that this documentation is prepared and presented. Custody responsibility will not be transferred to ICE/Detention and Removal Operations (DRO) until ICE/DRO verifies that all of the above required documentation has either been provided or has been waived by an ICE/DRO authorizing official at the detention site. The arresting or delivering officer will ensure that detainees turned over to the custody of ICE/DRO are accompanied by any personal items, identity documents, baggage and/or prescription medications in that detainee's possession at the time of arrest.

The requirements I issued in my memorandum of March 30, 2004, *Guidance on ICE Implementation of Policy and Practice Changes Recommended by the Department of Justice Inspector General*, remain in effect. You are responsible for ensuring implementation of these requirements.

⁷ CBP shall establish within 30 days of this memorandum points of contact in each field office to coordinate obtaining conviction records for cases where the conviction record is not timely produced. Contact information shall be provided to the DRO Field Office Directors and the ICE Chief Counsels.

Appendix E

Purpose, Scope, and Methodology

The purpose of this audit was to determine whether ICE has sufficient resources and detention facilities available to house detainees. Our audit was designed to determine whether:

- DRO is removing all illegal aliens with final orders of removal.
- Budgetary constraints are impacting DRO's ability to perform the detention and removal mission.
- External factors outside of DRO's control are impacting its ability to perform its detention and removal mission;
- DRO's Deportable Alien Control System is able to provide management with the data analyses needed to measure its effectiveness in performing the detention and removal mission.

We focused our work at the Customs and Border Protection and Immigration and Customs Enforcement headquarters in Washington, D.C.; and, Border and Transportation Security offices in Arizona, Texas, and Florida. Our scope included information and activities through March 13, 2006.

To identify detention and resource issues, we interviewed DHS headquarters officials in the CBP and ICE offices in Washington D.C. At CBP and ICE headquarters, we reviewed agency documents containing budget, staffing, apprehension, release, detention, absconder, and removal information. We relied on the data provided by DRO, ICE, and Department of Justice for purposes of this audit. We did not test the validity or reliability of the data provided.

We interviewed DRO, Border Patrol, CBP officials, and ICE Investigators at numerous field offices. We judgmentally selected the field offices based on those offices with the highest number of apprehensions as reported by DHS data, based on CBP and ICE officials' suggestions, and to ensure audit coverage included air, land, and sea operational environments. During the period January 2004 and April 2004, we made site visits to DRO offices in Dallas, San Antonio, Port Isabel, and Harlingen, Texas; Phoenix and Florence, Arizona; and Miami, Florida. Additionally, we made site visits to Border Patrol offices in McAllen, Texas, Tucson, Arizona; and Miami, Florida and visited CBP officers at the Brownsville, Texas and Nogales, Arizona ports of entry.

Appendix E
Purpose, Scope, and Methodology

To determine if illegal aliens requiring mandatory detention were being released into United States communities, at each DRO field office visited, we reviewed a random sample from the non-detained population provided by DRO from the DACS that included apprehension and detention information to identify status and classification according to the detention policy. With the exception of comparing DRO field office documentation to the DACS data, we did not test the validity or reliability of the data provided. Based on our limited testing, we conclude the data was sufficiently reliable to meet the audit objective.

We conducted our audit between September 2003 and March 2006 under the authority of the *Inspector General Act of 1978*, as amended, and according to generally accepted government auditing standards.

We would like to extend our appreciation for the cooperation and courtesies extended by ICE to our staff during the review.

Appendix F
Management's Comments

Office of the Assistant Secretary

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

FEB 21 2006

MEMORANDUM FOR: Richard L. Skinner
Inspector General
Department of Homeland Security

THROUGH: Steven J. Pecinovsky
Director
Department GAO/OIG Liaison Office

FROM: Julie L. Myers *Julie Myers*
Assistant Secretary

SUBJECT: OIG Draft Report: Detention and Removal of Illegal Aliens,
OIG-06-XX, December 2005

This memorandum contains the coordinated response of U. S. Immigration and Customs Enforcement (ICE) and the Department of Homeland Security (Department). The Department and ICE welcome the suggestions made by the Office of the Inspector General (OIG).

The Department's responses to the recommendations display a continued commitment toward effective and efficient detention and removal of illegal aliens.

Management Comments

Immigration and Customs Enforcement appreciates the Office of Inspector General's efforts culminating in the release the **OIG Audit Report: Detention and Removal of Illegal Aliens, OIG-06-XX**. The duration of the audit highlights the complexity of issues confronting Detention and Removal Operations and how their efforts impact immigration enforcement more broadly. ICE welcomes the OIG's overarching concern for the need for adequate resources to accomplish Detention and Removal Operation's (DRO) mission to "*Promote the public safety and national security by ensuring the departure from the United States of all removable aliens through the fair and effective enforcement of the nation's immigration laws.*"

It is important to note at the outset that this audit was conducted from September 2003 to November 2005. Indeed, after conducting the Second Stage Review of the Department, Secretary Michael Chertoff concluded that we needed to reform our detention and removal processes. For that reason, he launched an effort, the Secure Border Initiative (SBI), to tackle the very problems identified in the report. In particular, he concluded that we needed to streamline and make more efficient our detention and removal operations. Under Secretary Chertoff's leadership, SBI is providing an integrated systems approach to the immigration phenomenon, with national security and public safety as the two overarching priorities. Working in close coordination with ICE and U.S. Customs and Border protection (CBP), SBI immediately

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established a working group to "re-engineer" the detention and removal system. We were pleased that a member of the OIG staff was involved in that effort.

This "re-engineering," which is currently in progress, will result in a more efficient and robust detention and removal system that is able to detain a higher percentage of apprehended aliens and remove them swiftly and at a lower cost. As outlined in these Management Comments and the Response To Recommendations, steps have already been taken and progress will continue in improving performance and accountability. For example, models have been created to determine bed space, staffing requirements, infrastructure, removal requirements, and funding requirements. The Department is also exploring the expansion of alternative means to detention, and is working with the participation of the Department of State (DOS) to resolve travel document and related issues that prevent or impede the repatriation of illegal Other Than Mexican (OTM) aliens. Additionally, DRO is working on the development and implementation of a replacement data management system for the legacy Immigration and Naturalization Service (INS) Deportable Alien Control System (DACS), to ensure that the data collection and analysis needs of the Department are fully met.

When reading the OIG report, it is important to note that SBI was not yet fully functional at the time of the conclusion of the OIG staff's review. This prevented OIG from evaluating and incorporating the results of the Department's recent progress in re-engineering our Nation's immigration enforcement strategy to manage, control, and secure our borders in the most effective and efficient manner possible. We note that, through SBI, the Department has already raised and taken steps to address many of the recommendations and findings of this report. Under SBI, more than 6,650 non-Mexican individuals have been turned over to ICE custody for detention in connection with the Expedited Removal program. Thus far, ICE has removed roughly 5,800 of these individuals from the country, a removal rate of 99 percent under SBI. The average length of stay in ICE detention for aliens placed into Expedited Removal is approximately 20 days, down significantly from the average of 90 days spent in ICE detention by aliens prior to the creation of the SBI.

The complexity of technical and legal issues particular to DRO makes defining, accumulating, and analyzing statistical data surrounding DRO a difficult process. The content of the report contains volumes of statistical data. In the statistics provided throughout the report there appears to be a lack of differentiation between an alien's pre- and post-order status as it relates to releases. An alien cannot be removed until a final order of removal is granted. Mixing the discussion and analysis of pre- and post-order status throughout the report may lead to the reader's confusion.

Pursuant to the Immigration and Nationality Act (INA), ICE has the authority to detain certain aliens pre-final order (while their immigration process is pending) and post-final order (after the alien has received an administrative final order of removal). As this report correctly illustrates, DRO presently lacks the personnel and resources to detain all the aliens it has the authority to detain; thus, it often releases aliens who may legally be kept in detention. One primary focus of SBI's efforts to re-engineer the detention and removal system is to eliminate the other types of releases--those which result from lack of detention space and often termed "catch and release." However, the INA, regulations, and pertinent case law often require that DRO release aliens, regardless of resource and/or personnel issues. Examples of this are cases in which the Immigration Judge has the jurisdiction to set bond and release an alien; when an alien is granted an immigration benefit; when prosecutorial discretion has been used; when custody is transferred to a law enforcement agency to allow the alien to assist with a prosecution; when a final order

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alien has not been issued a travel document during the 90-day statutory removal period and they are not a risk to the community or a flight risk; and in cases of final order aliens whose removal is not significantly likely and for whom the post-order detention has been over 6 months. Unless these releases have been properly accounted for in the statistics, the reflected release rates may be slightly inflated, as they would include release premised on factors outside the control of DRO. It was understood that every effort was made to take these numbers out of the statistics, but ICE is concerned that the release numbers may be fewer than quoted.

Response To Recommendations

RECOMMENDATION # 1: Develop a detailed plan to provide ICE with the capacity to detain, process, and remove aliens that pose a potential national security or public safety risk to the U.S., including SIC, TSC, and CAP aliens. The plan should include personnel, training, equipment, infrastructure and funding requirements.

ORGANIZATION STATUS: Concur. Under the Secretary's SBI program, DRO is doing precisely that. DRO, as part of the SBI process, has made progress in creating models to determine bed space needs, staffing requirements, infrastructure, removal requirements and funding requirements based on expectant arrest numbers as provided by the initiating agency. It is also engaging with other federal law enforcement agencies such as the Bureau of Prisons (BOP), U.S. Citizenship and Immigration Services (USCIS), the Department of State, and the Department of Justice to jointly develop a more efficient complex detention and removal system.

RECOMMENDATION #2 : Intensify efforts to provide ICE with the resources needed to expedite the development of alternative means of detention to minimize required detention bed space levels.

ORGANIZATION STATUS: Partially Concur. Currently, ICE employs alternative means of release (the preferred term vice "alternatives to detention"), such as the Intensive Supervision Appearance Program (ISAP) and the Electronic Monitoring Program (EMD). DRO is still evaluating these pilot programs. Once evaluation is complete, decisions will be made about further expansion.

RECOMMENDATION #3 : In collaboration with the Department of State, develop a detailed plan to resolve travel document and related issues that are preventing or impeding the repatriation of illegal OTM aliens. The plan should include timelines, milestone dates, equipment and infrastructure requirements, a bi-annual reporting requirement outlining the progress being made on the project, the identity of the organization entities to be responsible for implementing the planned upgrade, and any short- and long-term funding requirements.

ORGANIZATION STATUS: Concur. Under the Secretary's SBI program, DRO is working closely with the Department of State (DOS) to address travel document and related issues preventing or impeding the repatriation of illegal OTM aliens. Great strides have been made in this area with Central and South American countries. The initiation of video teleconferencing, dedicated consulate staffs as well as soon to be implemented electronic travel documents have greatly decreased the time needed for the issuance of a travel document.

Additionally, DRO participates in a Sanctions Working Group which includes representatives from ICE, DOS, the National Security Council, and Homeland Security Council. This group's

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focus on Jamaica resulted in the resolution of issues associated with that countries issuance of travel documents, and the Government of Jamaica now issues travel documents within acceptable timeframes.

RECOMMENDATION #4 : Expedite efforts to develop and implement a data management system that is capable of meeting its expanding data collection and analyses needs relating to the detention and removal of illegal aliens. The plan should include timelines, milestones dates, equipment and infrastructure requirements, a bi-annual reporting requirement outlining the progress being made on the project, the identity of the organizational entities to be responsible for implementing the planned upgrade, and any short- and long-term funding requirements.

ORGANIZATION STATUS: Concur. The ICE Office of the Chief Information Officer (OCIO) is preparing a project plan for DRO that reflects efforts to expedite the development and deployment of enhanced information technology (IT) solutions capable of meeting the expanding data collection and analysis needs relating to the detention and removal of illegal aliens.

The new system will allow users to capture, search, and review information in the following functional areas:

- DETENTION—Detention-related data such as book-in, book-out, and housing information
- BIO—Subject-related data such as biographic, family, contact, alias, and passport information
- REMOVAL—Case management-related data such as case details, proceedings, custody determination, bonds, and case transfer information
- QUERY AND REPORT—Report- and Forms-related data such as generating reports and subject search information, and printing forms
- TRANSPORT—Transportation-related data for the monthly statistics report
- ADMIN—System administration-related data such as adding or modifying dockets and facility information
- EXT SYSTEMS—Interface to IDENT

Technical Corrections

1. Page 1, 1st paragraph, 3rd sentence - Report refers to aliens "eligible for removal". Aliens are eligible for benefits; they are removable or inadmissible for immigration purposes.
2. Page 1, 2nd paragraph, 2nd sentence - Report discusses aliens in "DRO jurisdiction." Aliens come into DRO custody and may remain as active cases under DRO once released; however, there is no DRO "jurisdiction".
3. Page 1, 2nd paragraph, 2nd sentence - Report states that release statistics deal with aliens apprehended while their immigration status is pending. This should be clarified to state that there are many factors contributing to the release of apprehended aliens such as Immigration Judges (IJs) bonding out non-arriving/non-mandatory aliens prior to conclusion of their immigration hearings, and DRO releasing certain aliens considered low priority for detention due to low risk to community or low flight risk such as families seeking asylum in the United States who do not pose a risk to the community.

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4. Page 1, 2nd paragraph, 3rd sentence - Report asserts that risks exist because CBP and ICE are releasing aliens for whom they do not have an identity or who present criminal/terrorist risks. This is not supported by any immediate data, nor does it reflect DRO's prioritization of aliens for detention which emphasizes the detention of aliens considered criminal/terrorist risks and those aliens whose identities are unknown.
5. Page 3, 1st paragraph, 1st sentence - Zadvydus does not "mandate the release of criminal and other high risk aliens" but allows for a presumptively reasonable 6-month period in which DRO can effectuate an alien's removal post-final order. After 6 months, if it is determined that the alien's removal is not significantly likely in the reasonably foreseeable future, then the alien must be released, unless he or she fits into the stringent special circumstances criteria for continued detention. See 8 CF.R. §§ 241.13 and 241.14.
6. Page 3, footnote 10 - Footnote 10 cites the money spent on the detention of aliens with final or pending orders, from traditionally "uncooperative" countries unwilling to issue travel documents. However, since DRO cannot begin the repatriation process for aliens with pending final orders this statistic is only useful for final order aliens.
7. Page 6, 3rd paragraph - Report compares the INA's policy on mandatory detention (INA § 236(c)) to BTS guidelines regarding "high priority" detentions. These are not comparable, the INA is a legal mandate from Congress and is law, and DRO must follow it. Border and Transportation Security (BTS) guidelines were issued as policy to most effectively focus DRO's resources on its priority missions.
8. Page 6, 3rd paragraph - Report states that BTS detention guidelines do not require mandatory detention for aliens that pose terrorism or national security concerns. BTS cannot issue guidance requiring mandatory detention; it would be *ultra vires*. However, the detention priorities place great emphasis on aliens with risk factors including those aliens who are known or suspected terrorists. INA § 236(c) requires mandatory detention for aliens charged under national security grounds.
9. Page 6, footnote 15 - Report states that under the INA, the government is required to detain mandatory aliens who "intend to commit crimes in the US." This is not included in INA § 236(c).
10. Page 6, footnote 15 - Report states that the government must detain all illegal aliens for 90 days post-final order; this is not the case. DRO must only detain aliens inadmissible under § 212(a)(2), 212(a)(3)(B), or deportable under 237(a)(2), or 237(a)(4)(B) for 90 days post-final order.
11. Page 6, footnote 15, last sentence - Report states that "the government is also required to detain illegal aliens for 90 days after receiving a final order of removal". Statement fails to recognize that this detention occurs only if DRO is unable to remove the alien during the time period.
12. Page 8, Table 4 - Report notes the underlying data by Source: DRO then adds "** Denotes those countries where the notorious Mara Salvatrucha (MS-13) gang is active". DRO

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does not track gang data as such. Table implies gang information was received from DRO.

13. Page 8, 1st paragraph, 4th sentence - Report states that OTMs are generally released into the population, but then states that only half (51 percent) were. Generally implies something greater than half.
14. Page 14, 1st paragraph, 3rd sentence - Report states that "It is estimated that there are 605,000 foreign-born aliens incarcerated in state and local facilities in the US ...". Sentence should include federal in addition to state and local.
15. Page 14, 1st paragraph, 3rd sentence - Report states that "Each IEA is expected to process 300 criminal aliens annually for a total of 78,300 criminal alien cases per year by FY2008." Sentence should include the screening of 600 aliens per year in addition to processing.
16. Page 17, 3rd paragraph - Report section titled: "Countries Blocking or Inhibiting Repatriation of Illegal Aliens," discusses mandatory detention under INA § 236(c) (pre-final order detention). DRO cannot repatriate non-final order aliens; thus, detention under § 236(c) is irrelevant in terms of blocked repatriation.
17. Page 18, 1st paragraph - Report discusses countries "accept[ing]" aliens. Post the Jama decision in the Supreme Court, a country does not need to accept an alien in order for repatriation to occur. Also, countries do not "take back" their aliens, but issue travel documents for their nationals to use when being removed.
18. Page 18, 3rd paragraph, 2nd sentence and Title of Table 13- "Recalcitrant" is not a correct term for countries unwilling to issue travel documents. An alternate word should be considered.
19. Page 20, 1st paragraph - The Zadvydas opinion is incorrectly stated as previously noted for Report footnote 10. Zadvydas does not "mandate the release of criminal and other high risk aliens" but allows for a presumptively reasonable 6-month period in which DRO can effectuate an alien's removal post-final order. After 6 months, if it is determined that the alien's removal is not significantly likely in the reasonably foreseeable future, then the alien must be released, unless he or she fits into the stringent special circumstances criteria for continued detention. See 8 CF.R. §§ 241.13 and 241.14.
20. Page 21, 2nd paragraph, 1st sentence - Report states "...and the ability of DRO staff to freely delete or edit historical information in the DACS system." As the term "freely" may inappropriately imply bad faith modifications to DRO databases suggest the word be changed to read "timely."
21. Page 22, Bullet listing of requirements for the data management system:
 - The rationale underlying DRO's decision to release an alien from detention (if applicable)
 - The rationale underlying DRO's decision not to detain individual aliens
 These items call for data input on a decision that is not quantifiable. These decisions are contextual and have to be based on the totality of circumstances applicable to the case. In fact, there may be multiple reasons for a decision to release, or a decision not to detain.

Appendix F
Management's Comments

Subject: OIG Draft Report: Detention and Removal of Illegal Aliens, OIG-06-XX,
December 2005

Page 7

22. Page 24 - Recommendation #2 states that DRO should develop alternative means of detention. Possibly OIG means alternative Order of Supervision (O/S) measures. DRO believes the statement should be alternative means to detention, not "of detention." ICE and the courts consider the ISAP and EMD a release. There are not alternative means of detention, and custody is custody.
23. Page 31, Appendix B Chart, 1st bullet - Report states " Immigration judges ordered the individuals released from detention despite DRO's desire to detain the individual." It is not DRO's desire; but rather, it is the government's enforcement of the INA.
24. Page 32, Appendix C Chart - The chart does not reflect Deportation Officers as apprehending officers.

Jim Velez, ICE DRO, (202) 732-2949, is the point of contact available to answer any questions you might have regarding this review.

Appendix G
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Appendix H
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Wednesday, October 24, 2018

Secretary's Weekly Immigration Briefing

Prepared by DHS OPS Reporting, Office of Operations Coordination.

Data is compiled by DHS OPS Reporting, based on preliminary reporting as of October 22nd, 2018. Unless otherwise noted, data is provided by:

- US Border Patrol apprehension data: Statistics and Data Integrity Branch, US Border Patrol.
- Office of Field Operations apprehension data: Planning, Program Analysis & Evaluation (PPAE) of Enterprise Reporting and Data Systems, Office of Field Operations.
- Immigration and Customs Enforcement data: Office of Enforcement and Removal Operations.
- US Citizenship and Immigration Services data: Refugee, Asylum and International Operations Directorate.
- US Department of Justice data: Executive Office for Immigration Review (EOIR), Planning, Analysis, and Statistics Division (PASD).

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USBP & OFO <i>Southwest Border Current Trends</i>		<i>Page</i>
<i>Apprehensions</i>	USBP FMUA apprehensions saw a significant increase from last week, while OFO FMUA encounters declined. So far in FY19, USBP FMUA apprehensions are nearly 5 times higher than FMUA apprehensions for this time in FY18. UAC apprehensions and encounters have remained relatively flat over the last few weeks for both USBP and OFO.	4-5, 9 20-24
<i>Holding Facilities</i>	USBP holding facilities are 51% occupied. OFO holding facilities are 57% occupied.	7
HHS <i>UAC In-Care Trends</i>		<i>Page</i>
<i>HHS Shelters</i>	The current 'in-care' occupancy rate increased this week from 85% to 88%. This is due in part to HHS moving 600 temporary shelter beds from active capacity to reserve capacity, resulting in a reduction in the overall current funded capacity.	6
ICE <i>Arrest, Detention, and Removal Trends</i>		<i>Page</i>
<i>Book-Ins/Detention</i>	No updates at this time.	N/A
<i>Removals</i>	No updates at this time.	N/A
USCIS <i>Credible fear and Asylum Trends</i>		<i>Page</i>
<i>Credible Fear</i>	This week, 1,610 credible fear requests were granted (79%). As of September 1, 2018, 76% of all decisions have resulted in 'fear established', and 10% resulted in 'fear not established'.	10-11
<i>Asylum and Refugee</i>	For FY19, the maximum number of refugee admissions has been set at 30,000, a decrease of 15,000 admissions from FY18. So far for FY19, the U.S. has admitted 902 (~3%) of the 30,000 refugees allowed for FY19.	12-14
DOJ <i>Asylum and Case Completion Trends</i>		<i>Page</i>
<i>Affirmative Asylum</i>	DOJ reports 29% of August's affirmative asylum decisions resulted in asylum being granted.	15
<i>Defensive Asylum</i>	DOJ reports only 13% of August's defensive asylum decisions resulted in asylum being granted.	16-18
Other <i>Maritime Migration Trends</i>		<i>Page</i>
<i>USCG Interdictions</i>	This week, there were no USCG interdictions at sea of individuals from Haiti, Dominican Republic, or Cuba.	N/A

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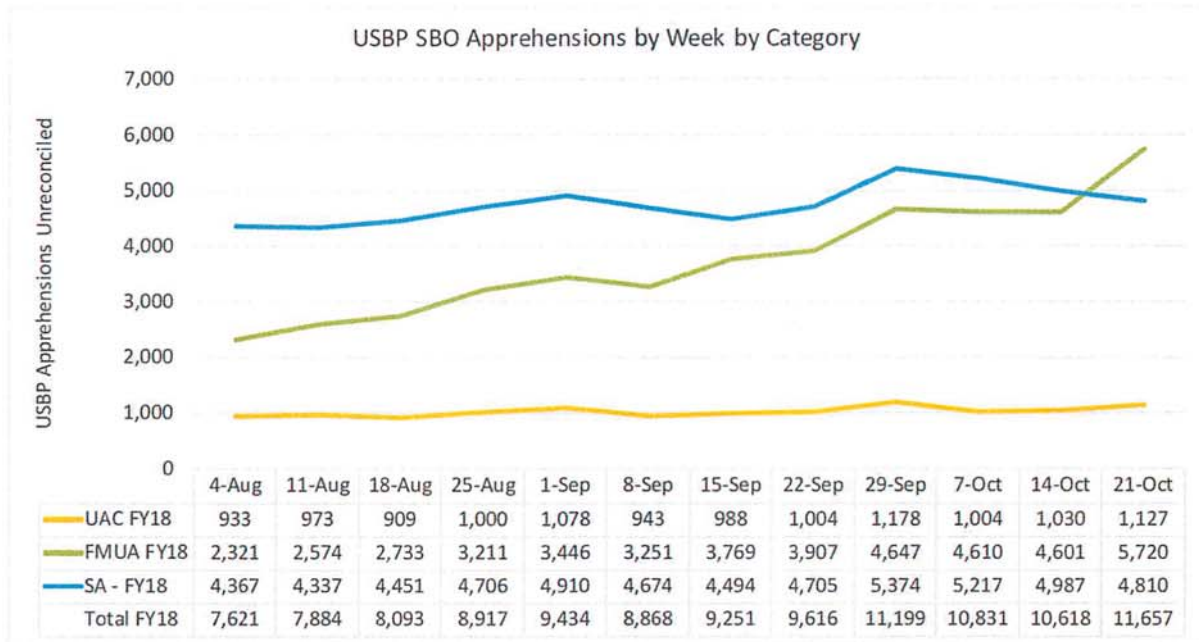


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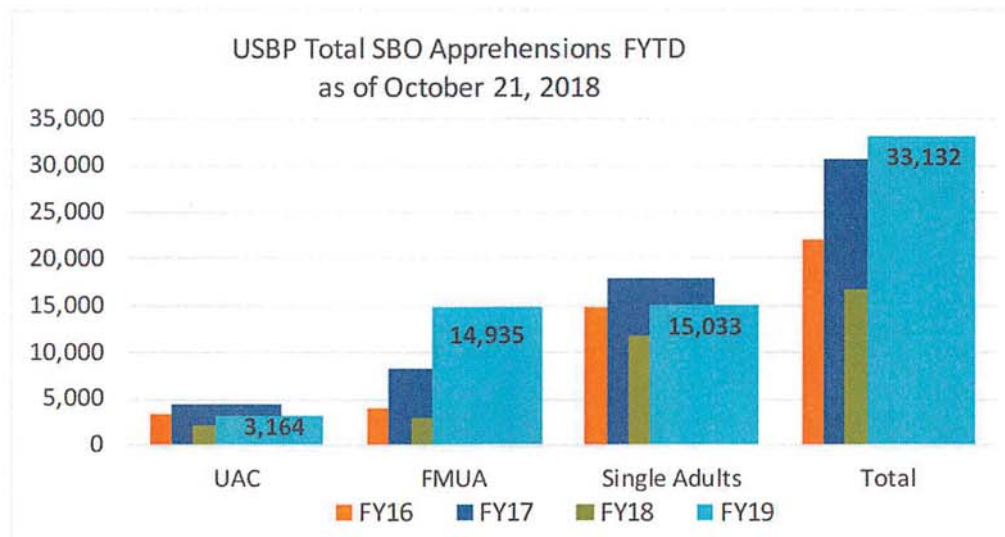
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USBP Southwest Border (SBO) Overview

Recent Trends by Category



USBP SBO Fiscal Year-to-Date Comparison

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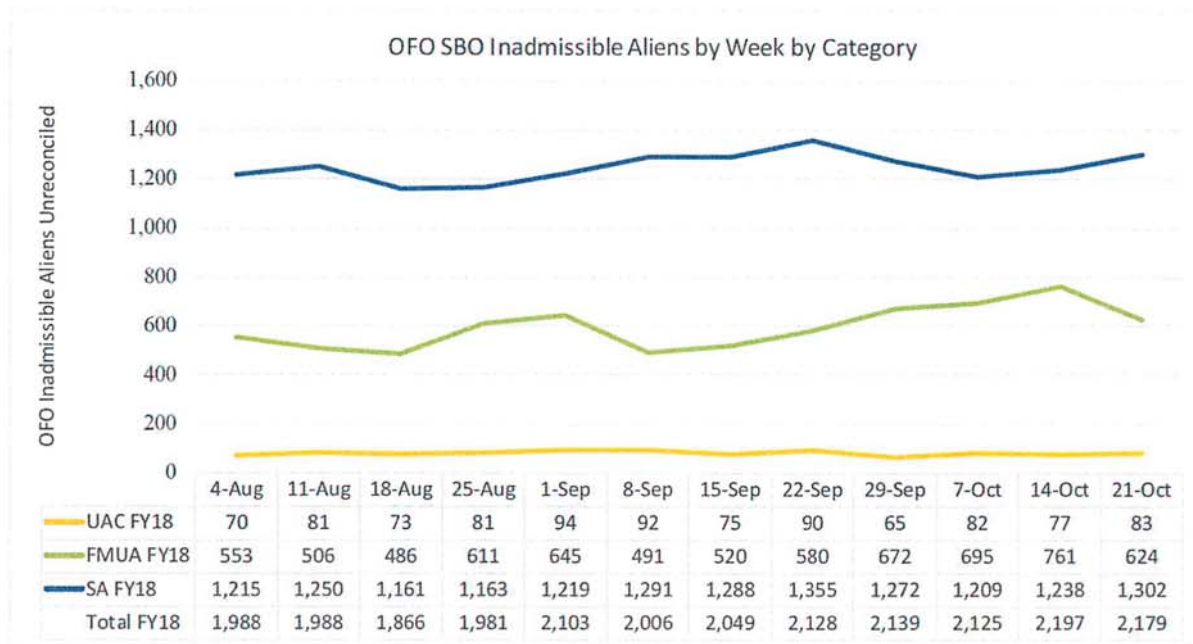
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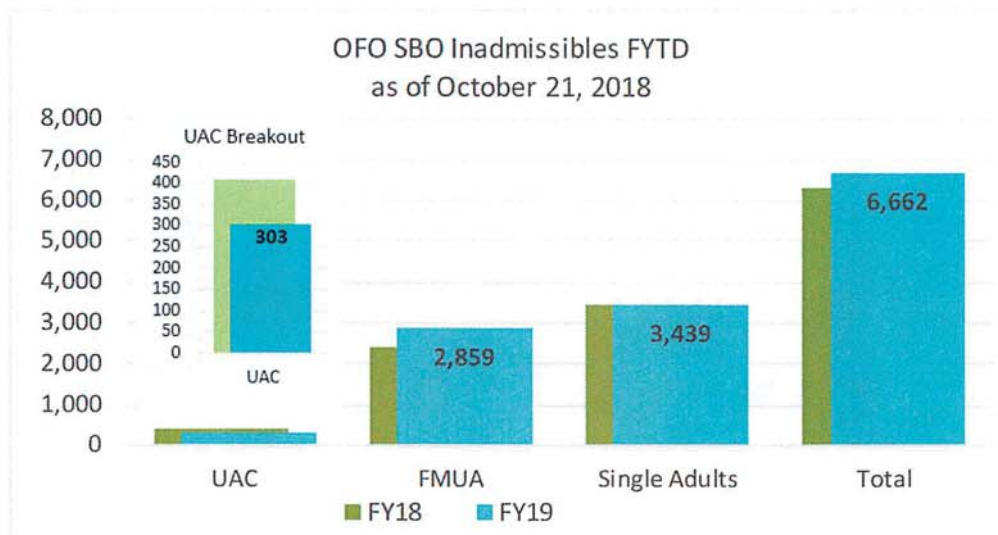
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Wednesday, October 24, 2018

OFO Southwest Border Inadmissible Aliens Overview Recent Trends by Category



OFO SBO Fiscal Year-to-Date Comparison

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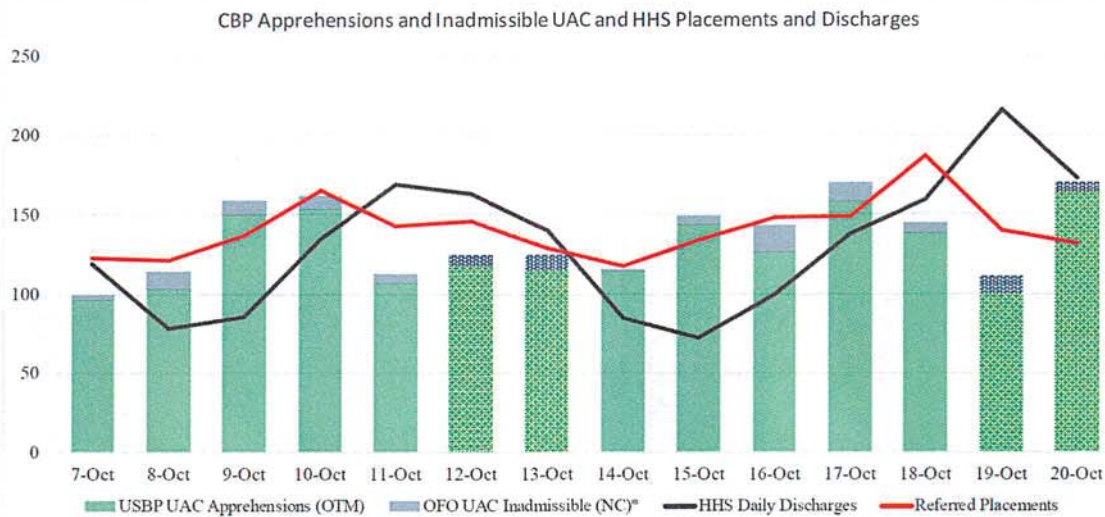
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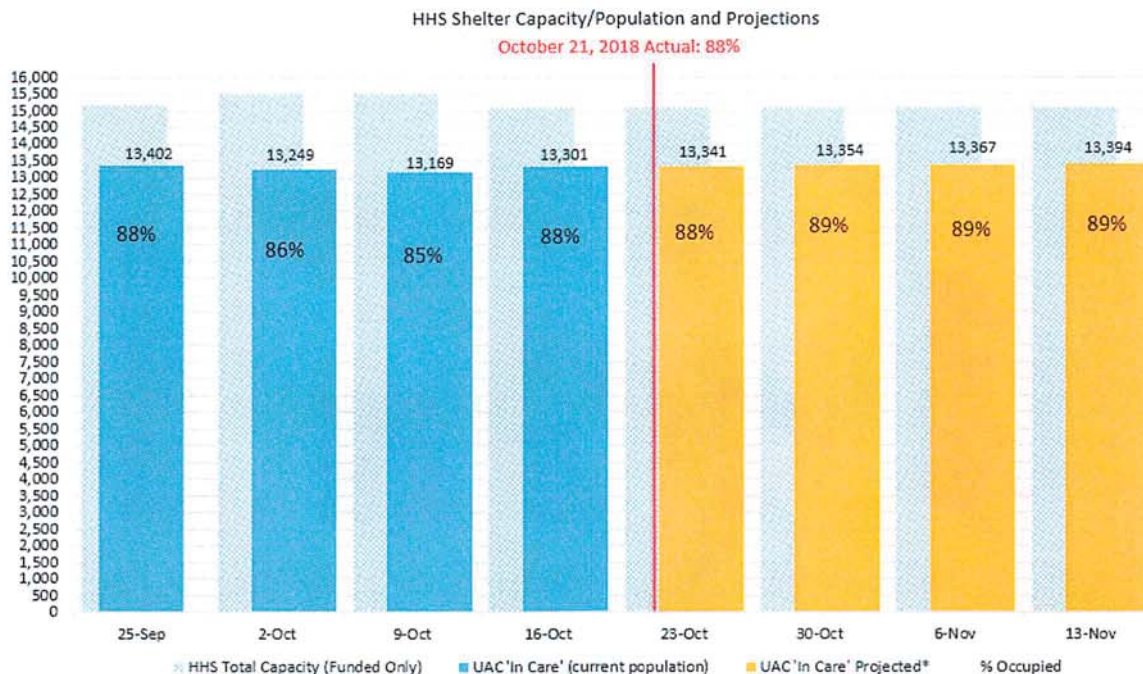
HHS UAC Snapshot



OFO UAC Inadmissible (NC) - UAC deemed inadmissible nationwide, from non-contiguous countries (i.e. Mexico and Canada).

USBP UAC Apprehensions (OTM) - UAC apprehended by USBP along the southwest border, excluding UAC from Mexico.

Note: Crosshatched columns signify weekends.



HHS data is provided by the Administration for Children and Families, Office of Refugee Resettlement. It is based on unreconciled data provided daily. The data in the above graphs are derived from reports as of October 22, 2018.

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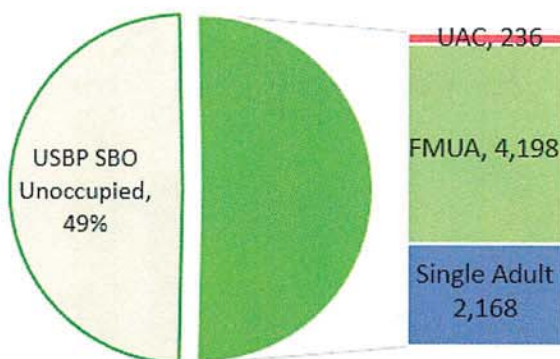
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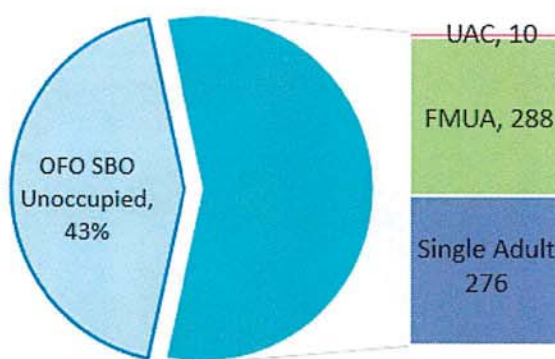
CBP In-Custody

As of 0600 October 22nd, there were 7,176 individuals in CBP custody 6,602 with USBP, 574 with OFO).

USBP SBO Capacity and In-Custody



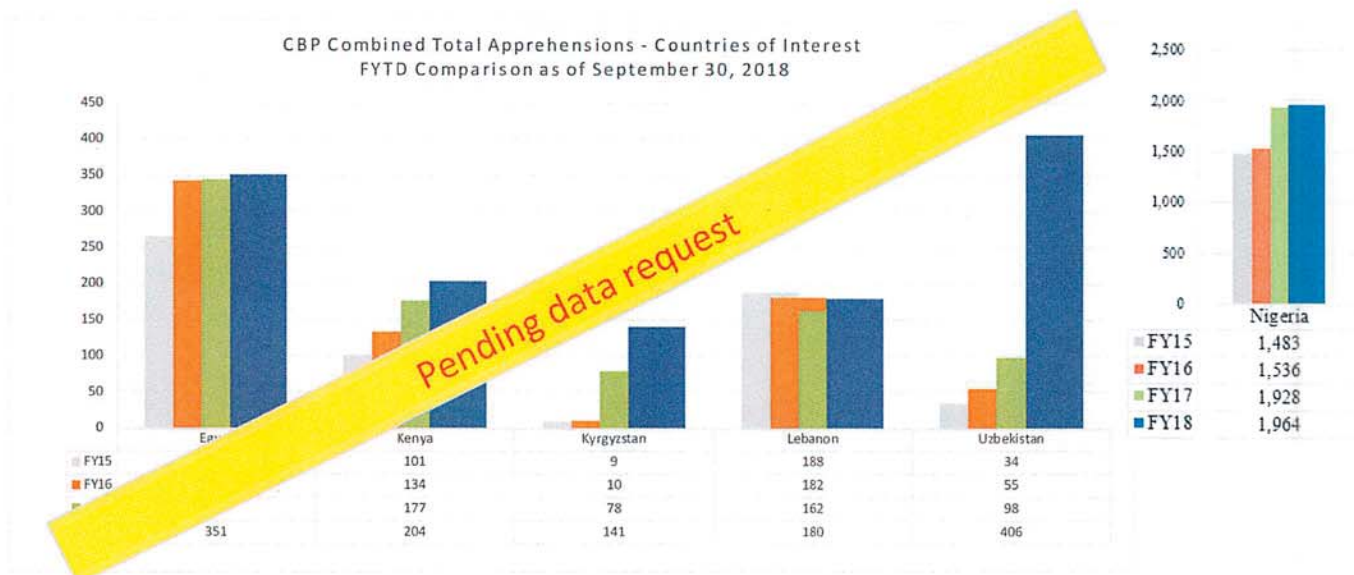
OFO SBO Capacity and In-Custody



CBP Apprehensions and Encounters of Countries of Interest

A 'Country of Interest' is a country with a significant number of individuals or groups known or evaluated to have a nexus to terrorism and travel patterns that include a point of origin or segment tied to current assessments of national and international threat environments. The following graphs include only Countries of Interest with a minimum of a 100 or more total apprehensions and encounters and significant growth from the previous FYTD.

CBP Combined Total Apprehensions - Countries of Interest
FYTD Comparison as of September 30, 2018

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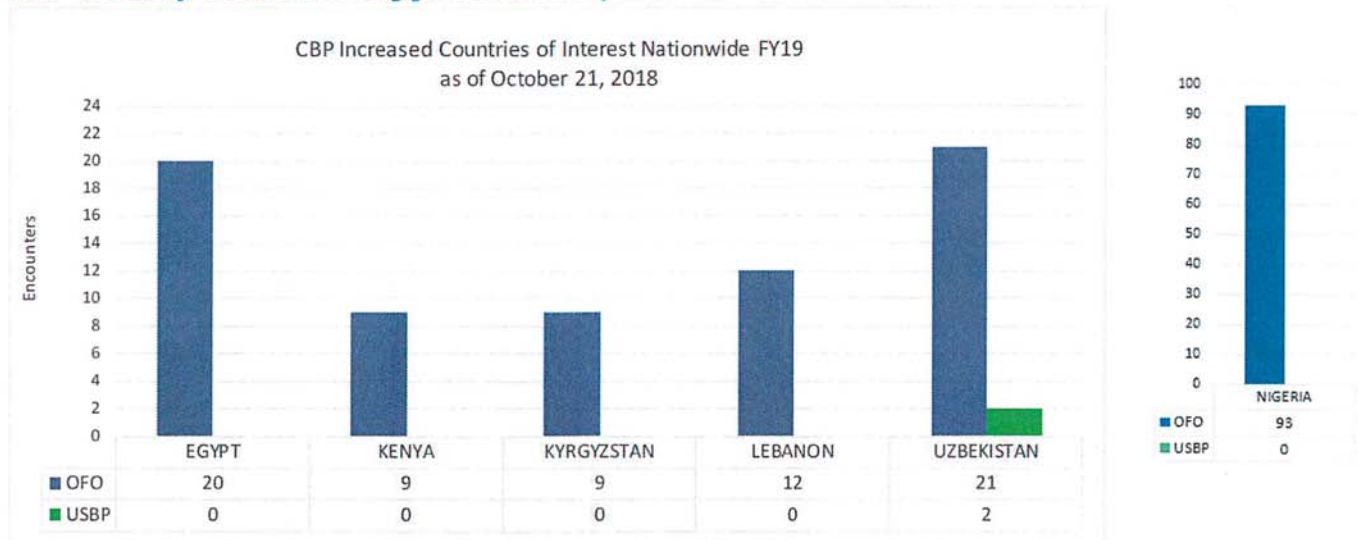
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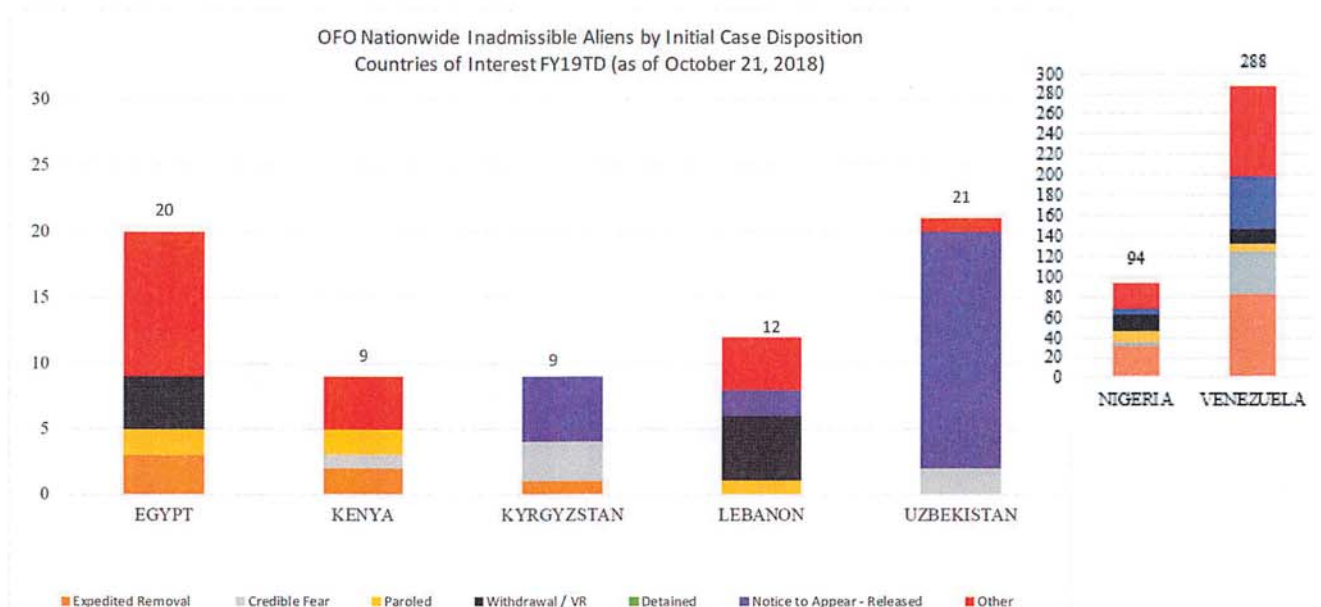
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CBP Country of Interest Apprehensions/Encounters Nationwide FY19TD



OFO Nationwide Inadmissible Aliens – Countries of Interest by Initial Case Disposition

The majority of inadmissible aliens from Egypt, Kenya, and Lebanon withdraw or have a disposition of withdraw or voluntarily return. The majority of inadmissible aliens from Nigeria and Venezuela are placed in expedited removal (ER) or withdraw in lieu of NTA or ER.

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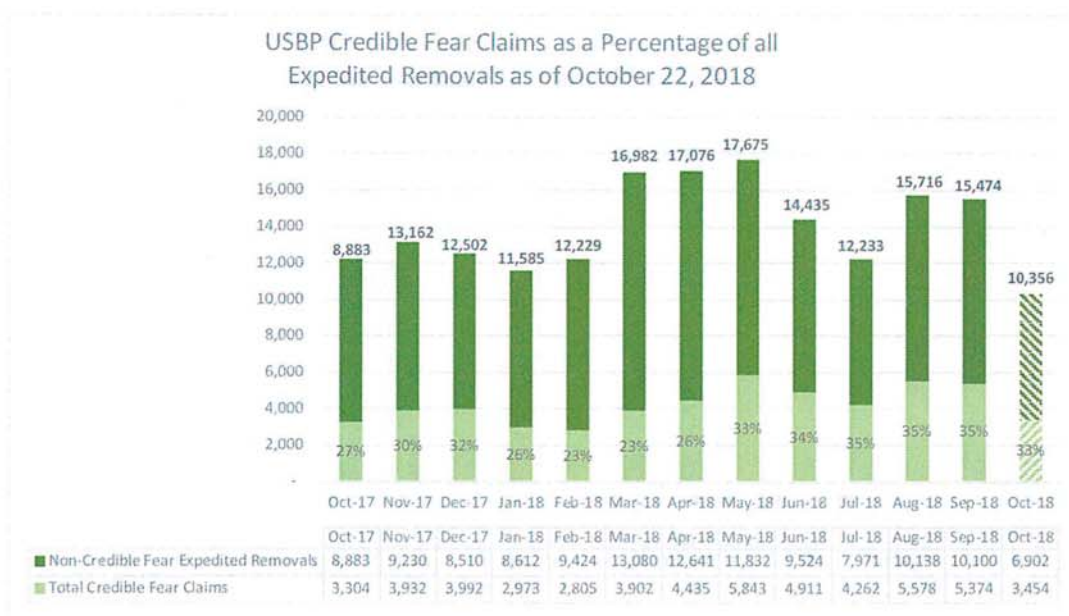


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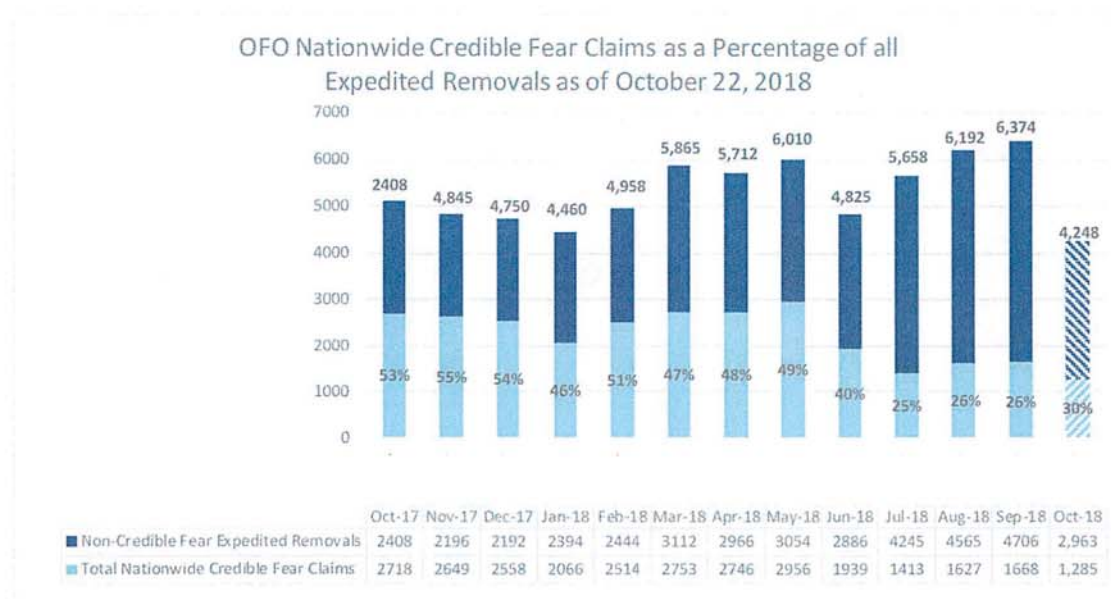
CBP Credible Fear Overview USBP Nationwide Credible Fear Claims

As of October 22, 2018, a total of 10,356 have been placed in Expedited Removal, of which, 3,454 claimed Credible Fear.



OFO Nationwide Credible Fear Claims

As of October 22, 2018, a total of 4,248 were placed in Expedited Removal, of which, 1,285 claimed Credible Fear.

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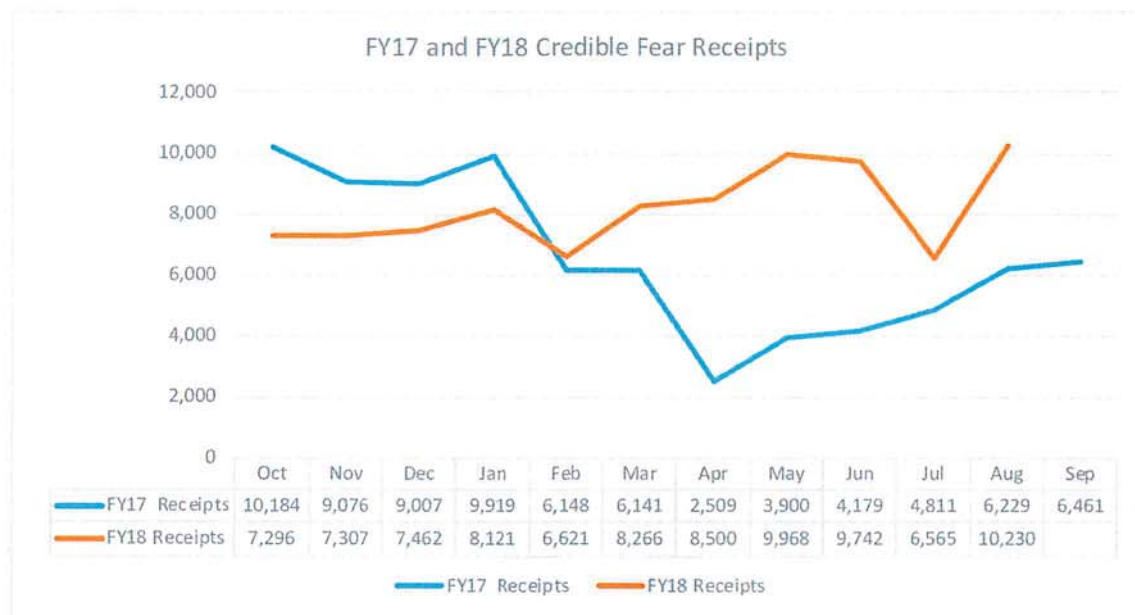
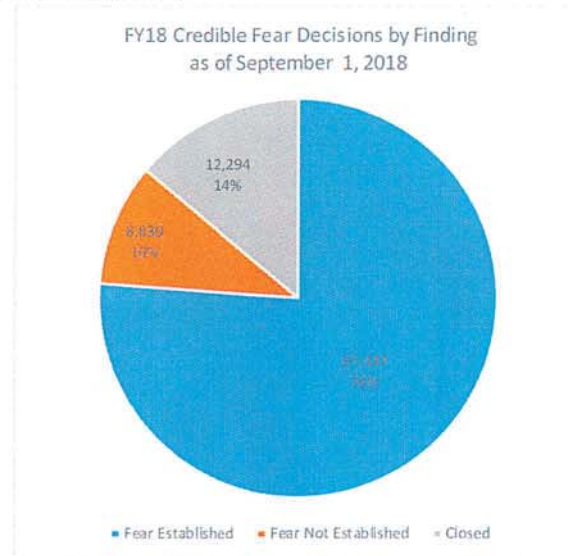
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USCIS Overview

Credible Fear Overview

As of September 1, 2018, USCIS has made a total of 88,571 Credible Fear Case decisions in FY 2018, of which, 76% resulted in "Fear Established".



When CBP places an alien into Expedited Removal (under INA § 235) and the alien expresses a fear of return or requests asylum, CBP or ICE refers the alien to a USCIS Asylum Office for a credible fear screening. If USCIS finds the alien has a credible fear of persecution or torture after a screening interview, USCIS places the alien into removal proceedings under INA § 240 in a Department of Justice, Executive Office for Immigration Review immigration court, where the alien may apply for asylum or other forms of relief as a defense to removal.

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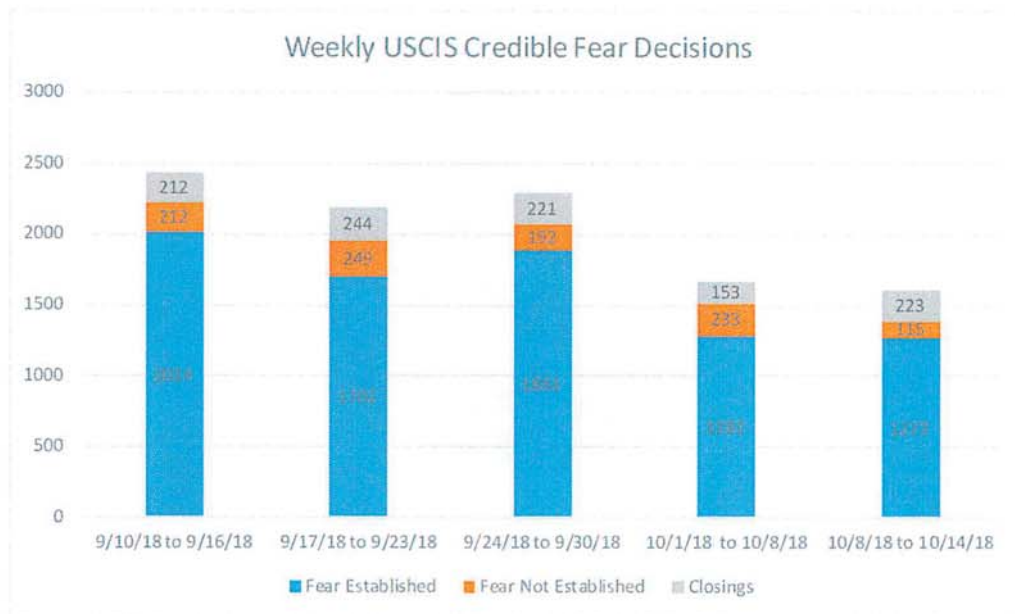


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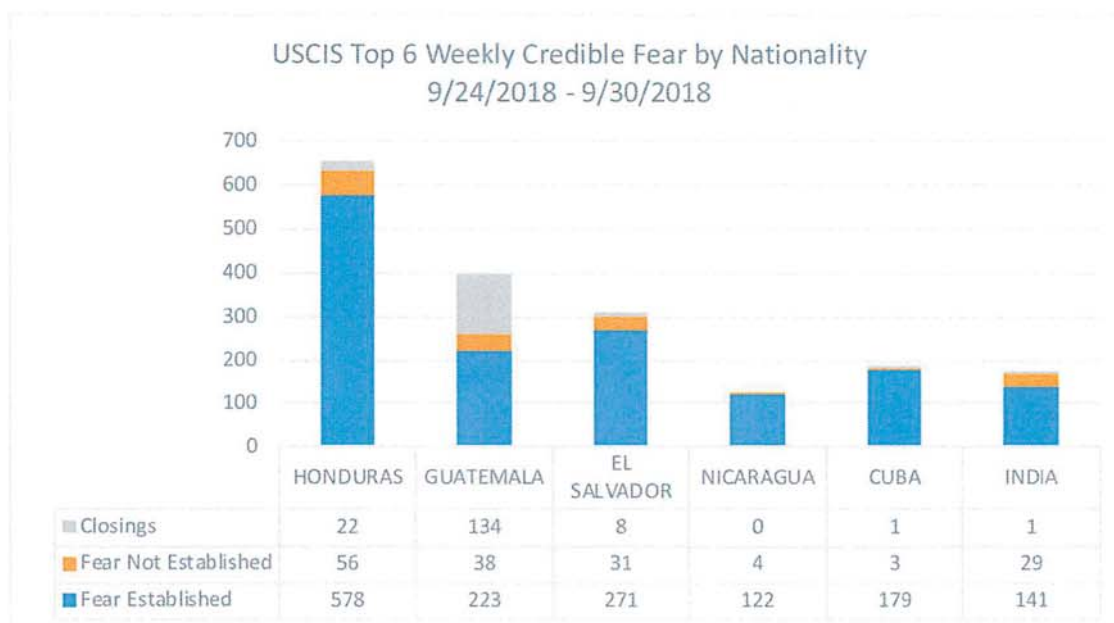
Credible Fear Decisions

From October 8, 2018 to October 14, 2018, USCIS reports a total of 1,610 Credible Fear decisions were made, of which, 79% (1,272) were found to have a credible fear ("Fear Established") and the alien was placed into removal proceedings in an immigration court.



Top 6 Credible Fear Decisions by Nationality

The Top 6 Nationalities (Honduras, Guatemala, El Salvador, Nicaragua, Cuba, and India) account for nearly 86% of this week's Credible Fear decisions ("Fear Established").

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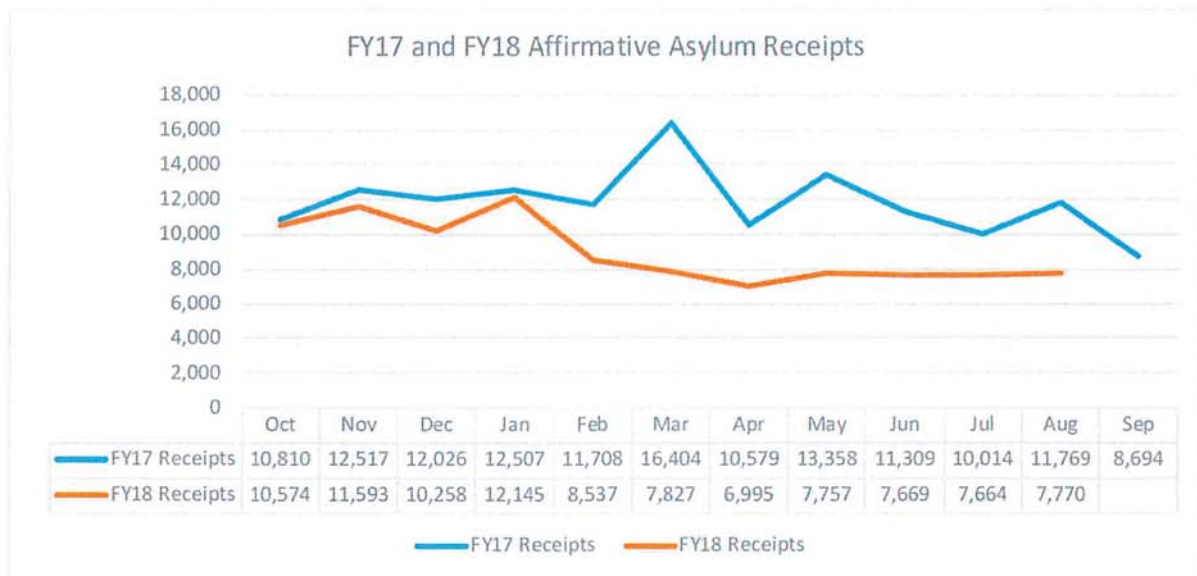
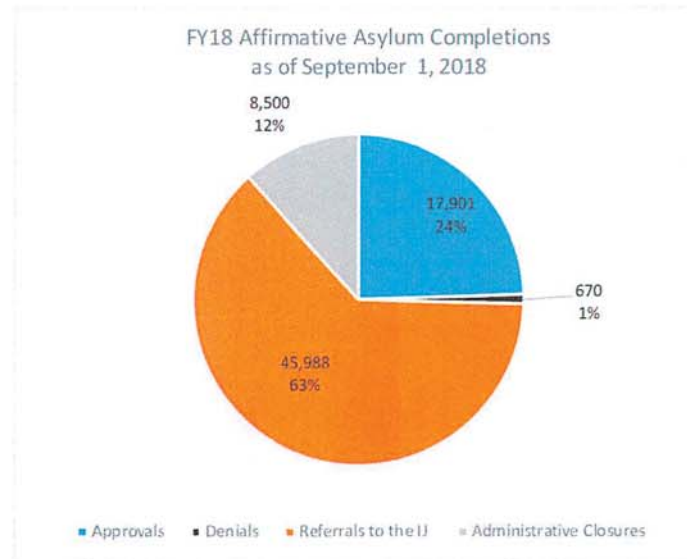


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Affirmative Asylum Overview

As of September 1, 2018, USCIS has completed a total of 73,059 Affirmative Asylum cases in FY 2018, of which, 24% resulted in approval of the asylum claim.



USCIS has observed the recent downturn in affirmative asylum receipts. While USCIS is unable to determine the specific cause for the decline at this time, it may be associated with the reinstitution of reform ("last in-first out" or LIFO) interview scheduling. USCIS will continue to monitor this emerging trend.

Asylum status is a form of protection available to people who have suffered persecution or fear that they will suffer persecution due to race, religion, nationality, membership in a particular social group, or political opinion. Generally, under INA § 208, individuals inside the United States who are not in removal proceedings may affirmatively submit a Form, I-589, Application for Asylum and For Withholding of Removal, to USCIS for adjudication of their asylum claim by a USCIS Asylum Office.

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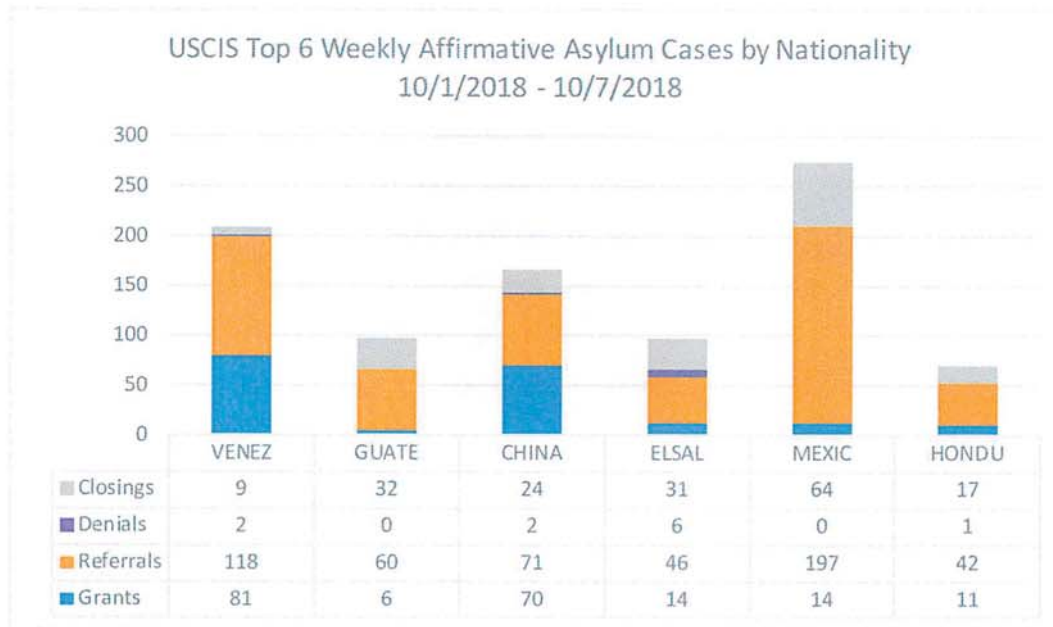


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Top 6 Affirmative Asylum Cases by Nationality

From October 1, 2018 to October 7, 2018, USCIS reported a total of 1,611 Affirmative Asylum case receipts. The Top 6 Nationalities (Venezuela, Guatemala, China, El Salvador, Mexico, and Honduras) make up 68% (1,091) of these cases.



Refugee Admissions Overview

Refugee Admissions					
FY19 Key Metrics for Refugees Worldwide (by individual, not case)	FY19 Total Annual	FY19-Q1	FY19-Q2	FY19-Q3	FY19-Q4
Refugee Admissions Ceiling	30,000	*	*	*	*
Refugee Admissions	902	902			
Refugee Interviews	136	136			

Data as of October 19, 2018. Data provided by Department of State, Bureau of Population, Refugees, and Migration, Office of Admissions - Refugee Processing Center.

The President, in consultation with Congress, determines the number of refugee eligible for admission each fiscal year. This determination sets the maximum number for admission. The USCIS role in U.S. Refugee Admissions Program is to interview refugee applicants and determine eligibility for resettlement to the United States under INA section 101(A)(42).

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Department of Justice

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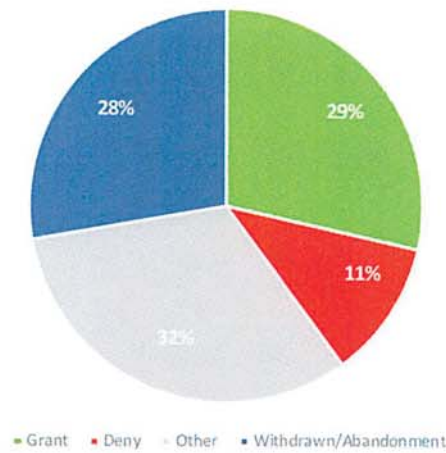
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U.S. Department of Justice (DOJ) Overview

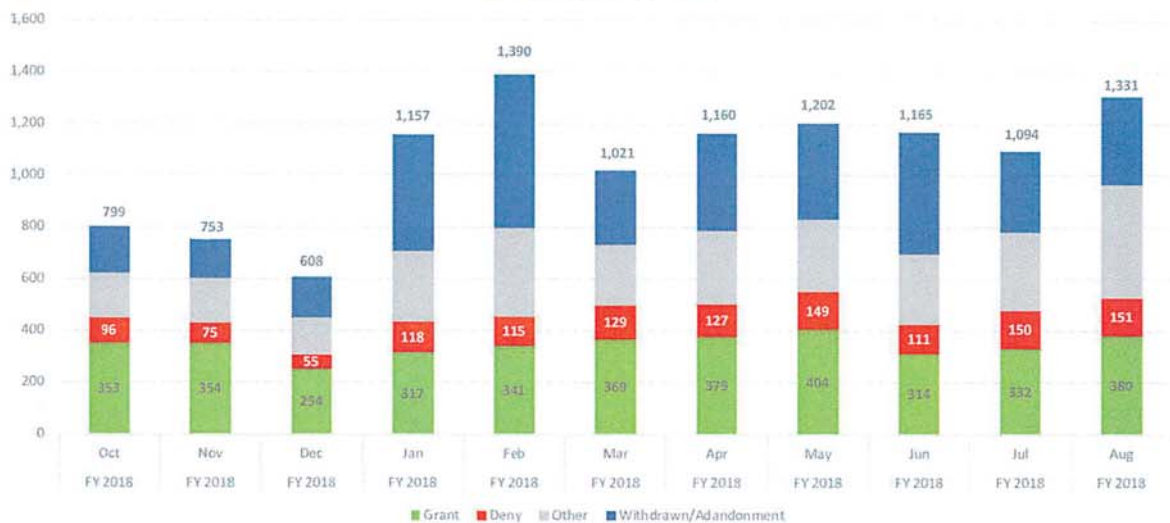
DOJ Affirmative Asylum

For the month of August, DOJ reports 1,331 Affirmative Asylum decisions were made, of which, 29% (380) were granted asylum.

DOJ Affirmative Asylum Decisions Rates
for August 2018



DOJ Affirmative Asylum Decisions FYTD
as of September 6, 2018

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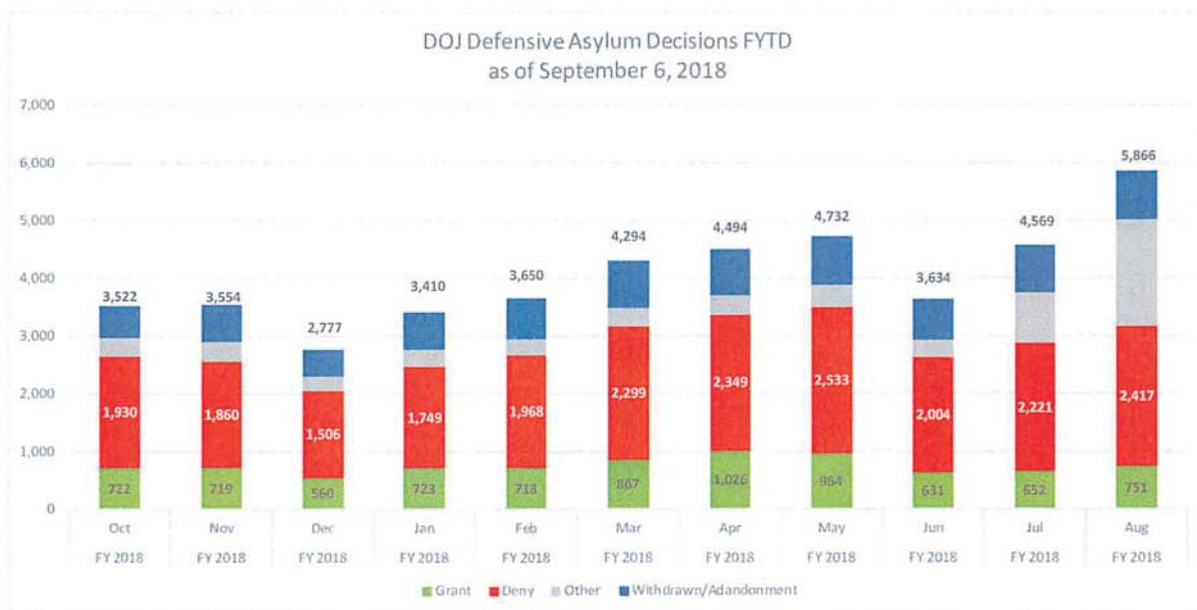
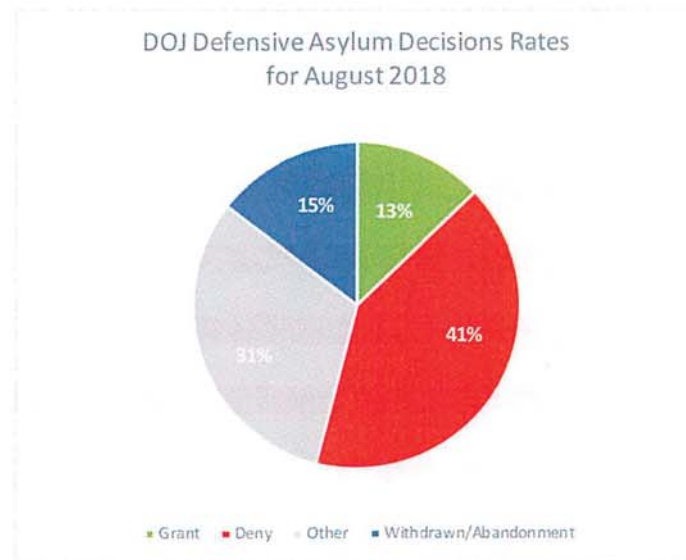
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DOJ Defensive Asylum

For the month of August, DOJ reports 5,866 Defensive Asylum decisions were made, of which, 13% (751) were granted asylum.

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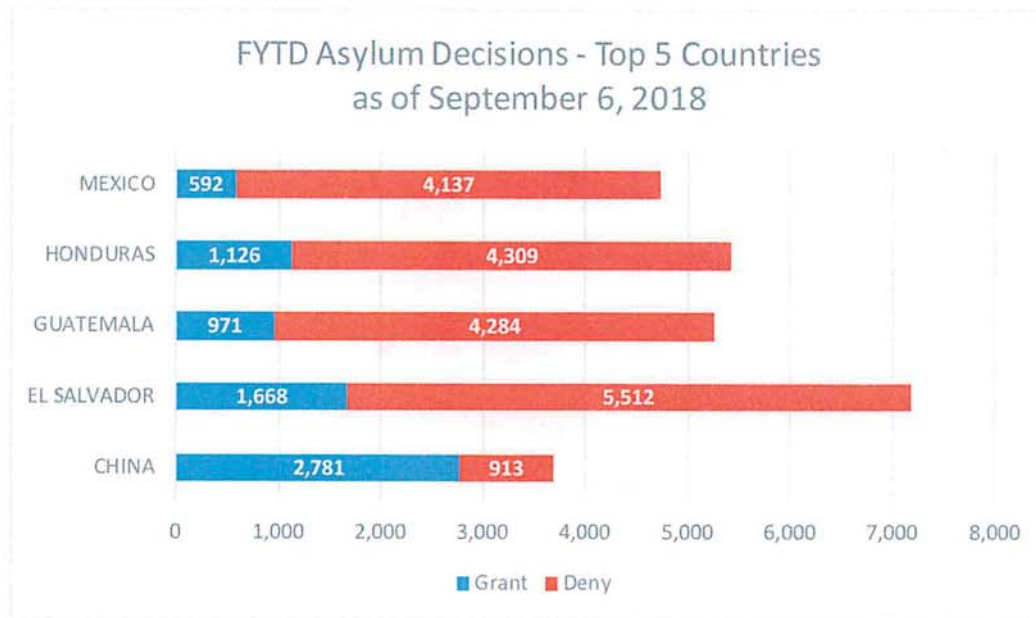


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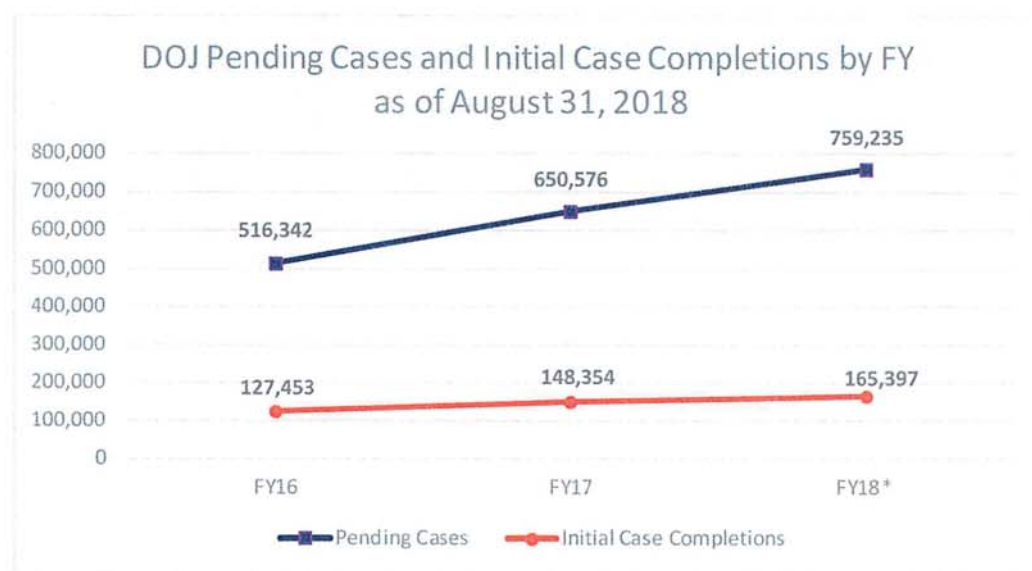
DOJ Asylum Decisions by Nationality

As of September 6, 2018 FYTD, DOJ has made a total of 131,978 asylum (affirmative and defensive) decisions, of which, 31,524 (24%) resulted in asylum granted and 53,438 resulted in asylum denied.



DOJ Pending Cases and Completed Initial Immigration Cases (ICC)

As of August 31, 2018 FYTD, there are 759,235 pending DOJ cases, a 17% increase from FY17. DOJ has also completed 165,397 immigration initial cases* FYTD18.

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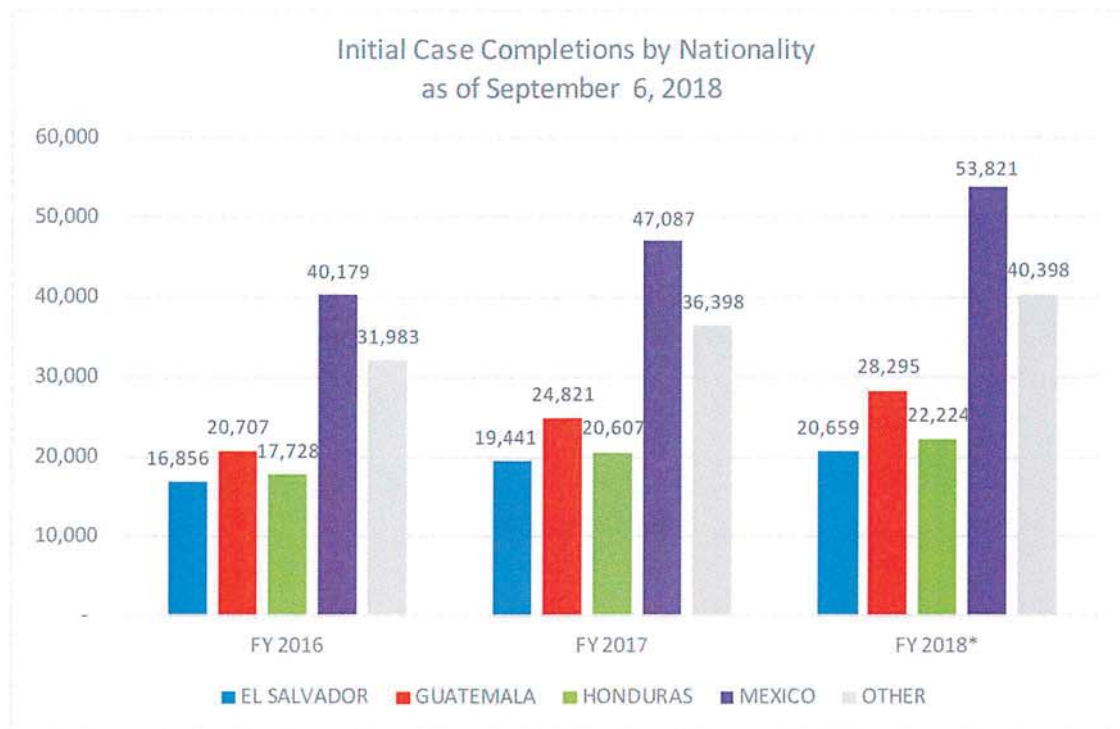


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DOJ Immigration Initial Case Completions by Nationality

As of September 6, 2018 FYTD, DOJ completed 165,397 Initial Cases* (ICC). So far FYTD18, Mexico accounts for 33% of all ICCs, with 53,821 completions.



* DOJ initial cases are comprised of: Asylum Only Case, Continued Detention Review, Credible Fear Review, Claimed Status Review, Departure Control, DD Appeal, Deportation, Exclusions, NACARA Adjustment, Rescission, Reasonable Fear Case, Removal, and Withholding Only. FYTD18 data is through August, all other years are total.

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References

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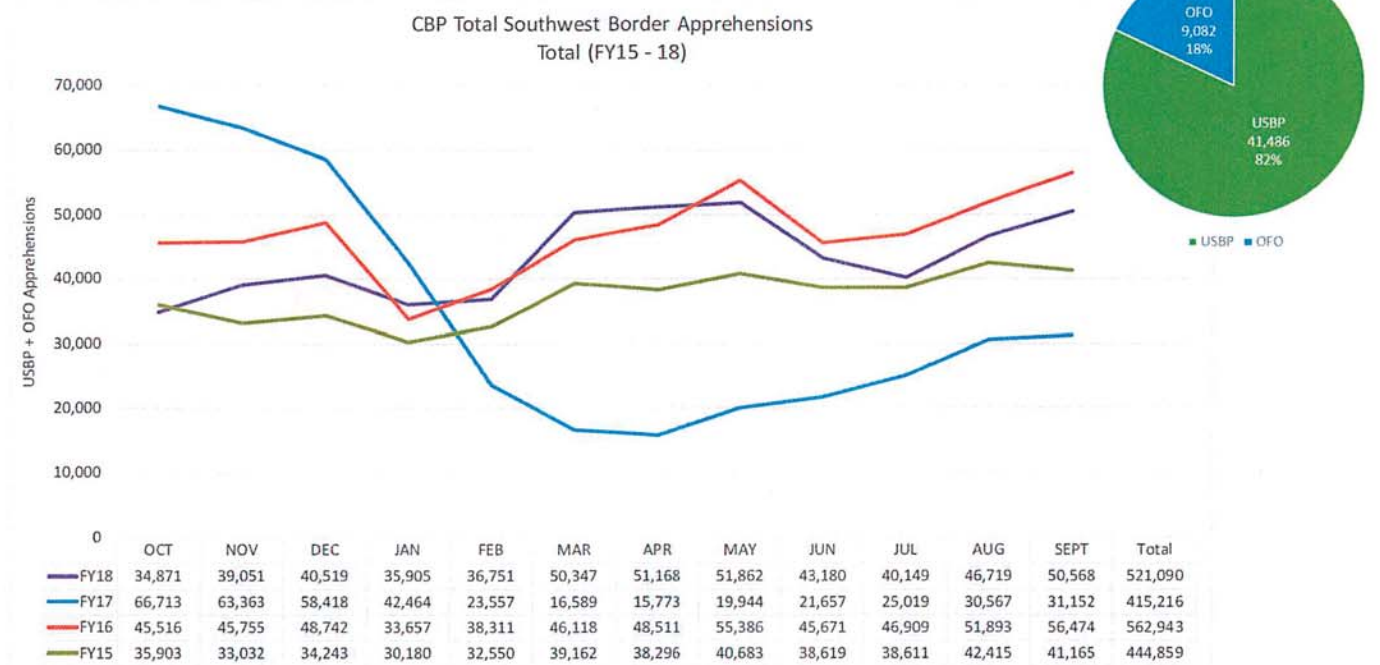


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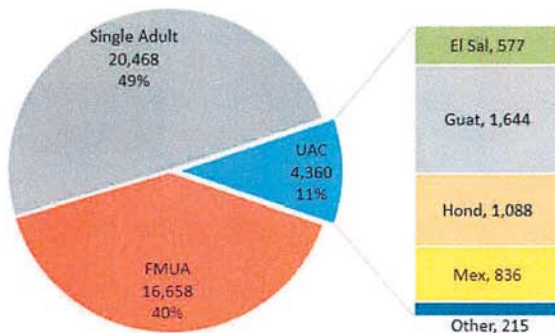
The following reference pages contain graphs updated on a monthly basis, providing the reader with reconciled month-end totals and historical context.

CBP Total SBO Apprehensions/Inadmissible Encounters

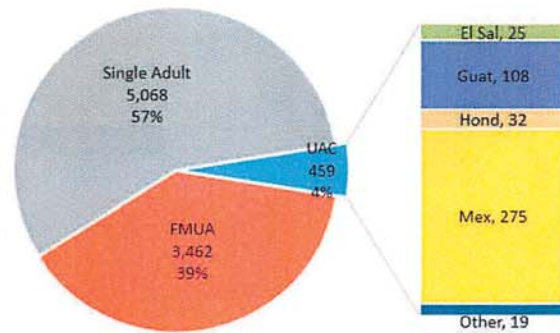


CBP UAC Apprehensions/Inadmissible Encounters Country of Origin

USBP Southwest Border UAC Apprehensions
September 2018



OFO Southwest Border UAC Apprehensions
September 2018

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21

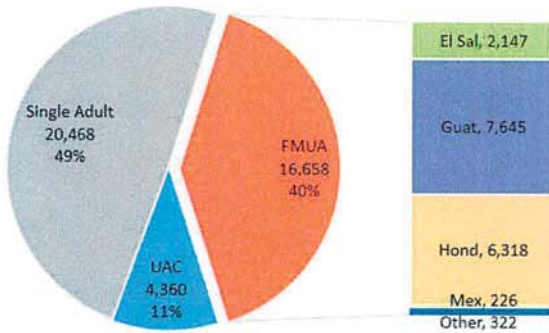


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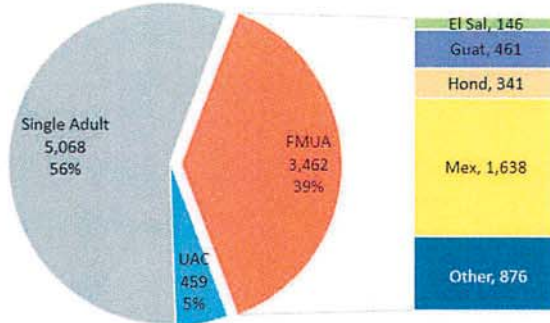
Immigration Weekly
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CBP FMUA Apprehensions/Inadmissible Encounters Country of Origin

USBP Southwest Border FMUA Apprehensions
September 2018

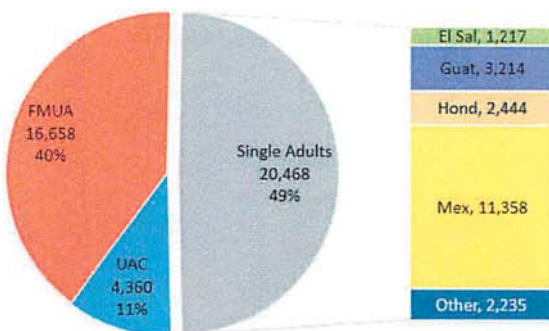


OFO Southwest Border FMUA Apprehensions
September 2018

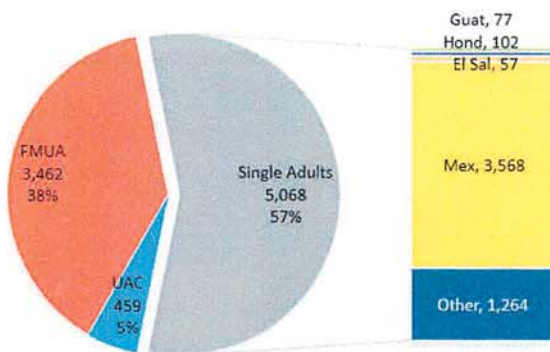


CBP Single Adult Apprehensions/Inadmissible Encounters Country of Origin

USBP Southwest Border Single Adult Apprehensions
Septmeber 2018



OFO Southwest Border Single Adult Apprehensions
Septmeber 2018

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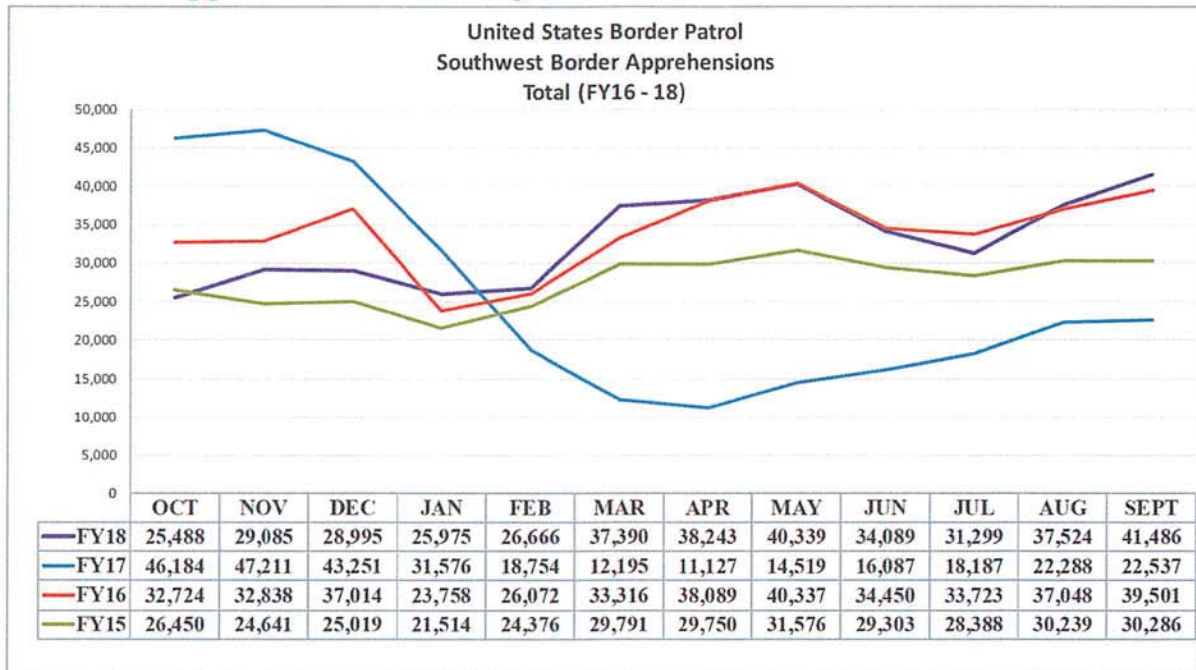
22



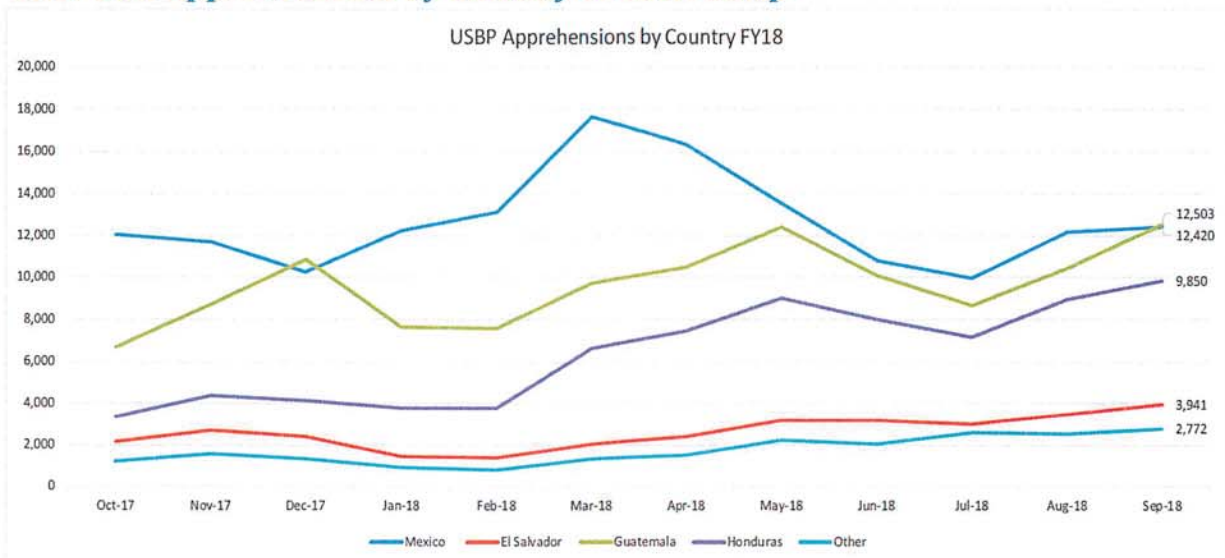
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USBP SBO Apprehension Totals by Month and FY



USBP SBO Apprehensions by Country of Citizenship



The above graph indicates the country of origin for individuals apprehended between the ports of entry along the southwest border as of September 30, 2018.

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23

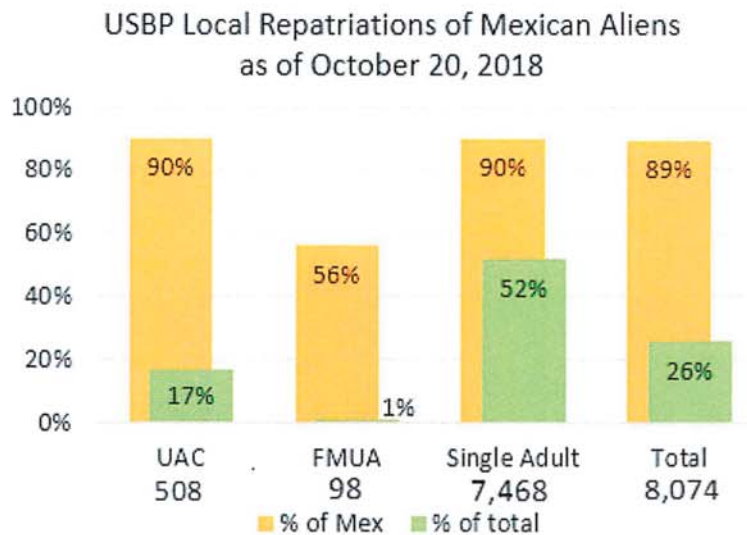


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USBP Local Repatriations to Mexico FY19TD

A total of 8,074 aliens from Mexico have been repatriated this FYTD. Of these 508 are UAC - we estimate this accounts for 90% of all Mexican UAC apprehended and 17% of all UAC apprehended.

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